FEDERAL BUREAU OF INVESTIGATION

SUPREME COURT

PART 12 OF 14

CROSS REFERENCES

FILE DESCRIPTION

BUREAU FILE

SUBJECT Supreme Court

FILE NO. 63 References

Release 4

26-37506 February 7, 1956

MEMORANDUM FOR THE FILE

Re: Arthur Gooch;
Ambrose Kirk;
R. E. Baker - E. R. Hartin,
VICTIMS - KIDNAPING.

In connection with the instant case and for the completion of the file, Arthur Gooch, who appealed his conviction to the Circuit Court of Appeals and was granted a stay of execution on August 27, 1955, to be effective until November 1, 1955, was held guilty on the instant kidnaping charge. The Supreme Court on February 3, 1956 ruled by unanimous opinion on the two counts -

(1) Is holding an officer to avoid arrest within the meaning of the phrase, "held for ransom or reward or otherwise" in the act?

(2) Is it an offense to kidnap and transport a person in interstate commerce for the purpose of preventing the arrest of the kidnaper?

Justice McReynolds stated "evidently Congress intended to prevent transportation in interstate or foreign commerce of persons who were being unlawfully restrained in order that the captor might secure some benefit to himself. And this is adequately expressed by the words of the enactment." He added that "while penal statutes are narrowly construed, this does not require rejection of that sense of the words which best harmonizes with the context and the end in view."

RECORDED
&
INDEXED
A. Rosen

1-2-1142

FEDERAL BUREAU OF INVESTIGATION

FEB 14 1956

THE OKLAHOMA LEAGUE

Against Communism, Naziism and Fascism

FOUNDED IN 1937

[redacted]

TULSA 1, OKLA. March 19,1945.

J.Edgar Hoover, Chief,
The Federal Bureau of Investigation,
Washington, D.C.

Dear Sir:

Enclosed is a letter under date of March 10 th, which I am sending to the members of the 79 th, congress, which I hope you will read with care, particularly the paragraphs on pages 3 to 5,inclusive, which set forth some very startling facts as to decisions by the Supreme Court since 1936.

Their decisions in cases in which labor unions are involved are so grossly partial to the unions, that I am asking if you have any facts in your possession as to the relations between the nine judges, one and all, with the labor union leaders such as Philip Murray, John L.Lewis, Sidney Hillman, Daniel Tobin, et al. If you have any such facts, will you be so kind as to furnish them to me?

If you do not have any such facts, will you not seek to find out whether or not they exist, and supply me with them?

Thanking you in advance for your consideration of this letter, and a prompt answer to it, I am,

Very truly yours,

[redacted]

The Oklahoma League
Against Communism, Naziism, and Fascism.

N.B. Since writing the above, I have been informed that your reports are to the Department of Justice. If it is proper for you to inform a citizen as above requested in general if not in detail, I will hope to have such general information. I am sending a copy of this letter to Attorney General Biddle and to Hon. Dan R.Mc Gehee, a member of the house from Mississippi.

[redacted]

RECORDED & INDEXED

[redacted]

[redacted] 67C [redacted]

Tulsa, Oklahoma
March 19, 1945

AN OPEN LETTER TO THE MEMBERS OF
THE SEVENTY NINTH CONGRESS.

Dear Members of the House of Representatives,
and Members of the Senate:

In re: The Tyranny of the Labor Movement.

On February 22nd, 1944, George Washington's Birthday, Hon. Clare Hoffman, of Michigan, stated that Sidney Hillman, the head of the Political Action Committee of the Congress for Industrial Organization, introduced to one of his conventions called to promote the movement for a fourth term for President Roosevelt, a man who said, in part,

> "We want the labor *movement* to attain physical control, and ideological domination of this country. By physical control, we mean the governing power, the power to make decisions and to enforce them, the power to direct and govern, the power to control industry, the power to say who shall be in jail, and who shall be out."

I asked Mr. Hoffman who this speaker was, and he informed me that it was Robert Minor, one of the founders of the Communist Party in the United States.

A review of pertinent facts from the inauguration of Roosevelt in 1933 until the present will show that much of this objective has been already obtained, and that the prospect is bright to secure those features now lacking. If the labor leaders continue as active as they are, and the other citizens as apathetic as they have been and are, Robert Minor, Earl Browder, and Sidney Hillman will rejoice in the full fruition of their hopes for Russianistic revolution.

Let us call some informed witnesses and hear their testimony:-

Attorney General Francis Biddle: "We have a labor government, headed by an able political leader."

Former Assistant Attorney General Thurman Arnold, testifying before the house judiciary committee, said: "No other group in our society could do the things that are being done by labor unions. They are guilty of:

1. Exploitation of farmers,
2. Undemocratic procedure, 'including packing its membership to insure elections.'
3. Impeding transportation.
4. Making it 'impossible to get cheap, mass production of housing.'
5. Forcing businessmen to employ 'useless' labor.
6. Restricting 'efficient use of men and machines.'"

Judge John C. Knox, Senior U. S. District Judge, Southern District, N. Y., in a foreword to "America's Labor Dictators" by Louis Kirshbaum, published by Industrial Forum Publications, 26 Clinton Place, New York, N. Y., writes:

"The forces of capital and labor are in constant conflict....Capital, in many instances, being mean, avaricious and greedy, is bent upon its ascendency. Some leaders of labor, upon the other hand, are truculent, arbitrary, unreasonable and hopeful that, controlling workingmen as though they were vassals, they can give dictation to capital and enforce improper demands upon the government.

"....Labor talks loudly of the necessity of preserving democracy. But so long as many labor leaders are autocrats and act without restraint, the democratization of labor is an impossibility. If a member of a labor union dares criticize a labor leader...he is a marked man from that day on. Upon one pretense or another suspension or expulsion from the union is likely to be his portion. When this occurs, the worker will be deprived of his job and prevented from getting another. Indeed, luck will be his if he is not subjected to mayhem and torture. And yet, whatever happens to the worker, he is, from a practical standpoint, without the slightest chance of redress. Repressed in their utterances, dominated in their actions, the lot of many of our workers is no better than it would be under Hitler or Stalin.

"Is it not possible that we should have labor courts that will be open to any union, to any organization of capital, and to any workingman who, having a grievance, may obtain the justice to which he or it is rightfully entitled? And, when that court renders its decision, let that decision have the support of constituted author-

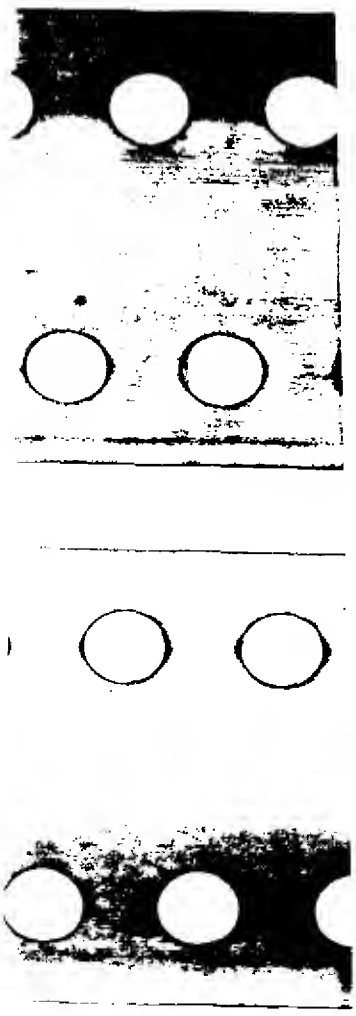
ity; Unless such courts are established the tyrannies of capital and labor...one against the other...will continue. As always, the victims of their tyrannies will be the public and the workingman..."

President Roosevelt: "In my first term, I have proved myself a match for the business leaders; in my second term, I will prove myself their master."

President Roosevelt to Robert Hannegan, Chairman of the Democratic Convention of 1944: "Clear everything with Sidney Hillman."

This writer sent the following letter:

Jefferson Hotel
Atlanta, Georgia
January 3, 1945



TO THE HOUSE OF REPRESENTATIVES
THE 79th CONGRESS,
WASHINGTON, D. C.

In a press release of November 16th last, the Political Action Committee of the Congress for Industrial Organization claimed to have elected 96 men to be members of your honorable body. They were:

> Patrick and Rains of Alabama; Harless and Murdock of Arizona; Patterson, Havenner, Douglas, Holifield, Miller, Healy, Doyle, Voorhis, Engle, Outland, Tolan, Izac and Wilson of California; Koppelmann, Wodehouse, Geelan and Ryter of Connecticut; Traynor of Delaware; Taylor, White of Idaho; Madden and Ludlow of Indiana; Sabath & Kelly, Douglas, Resa and Price of Illinois; O'Neal, Chelf, Spence, Bates, Gregory and Clements of Kentucky; Alesandro of Maryland; Lane and McCormack of Massachusetts; Dingell, Sadowski, Rabaut, O'Brien and Bailey, Lesinski and Hook of Michigan; Starkey, Gallagher of Minnesota; Sullivan and Jayne of Missouri; Mansfield of Montana; Norton and Hart of New Jersey; Anderson and Fernandez of New Mexico; Marcantonio, Bennett and Powell of New York; Folger of North Carolina; Kirwan, Thom, Sheehan, Crawford, Gardner, Michener, Bolton and Bonder of Ohio; Stigler, Stewart, Boren, Monroney, Johnson and Wickersham of Oklahoma; Barrett, Granahan, Bradley, Sheridan, Green, McClinchey and Eberharter of Pennsylvania; Fogarty and Forand of Rhode Island; Granger and Robinson of Utah; Daughton of Virginia; Coffee and Savage of Washington; Pennybacher, Bailey, Hedrick, Koe and Neely of West Virginia; Biemiller and Wasielewski of Wisconsin. (Stewart, of Oklahoma, denied on the floor of the house that he was supported by the P.A.C.)

It is a well known fact that the P A C received a great deal of money from the C I O which was used in the recent campaign. This was in violation of the Smith-Connally Act which forbids contributions to political campaigns by labor unions. The above named men were elected by the use of bootlegged money and for that reason alone should not be seated.

During the early stages of the recent campaign, Senater E. H. Moore of Oklahoma wrote a letter to Attorney General Biddle, asking for an opinion as to the law relating to this matter. It had been the unbroken habit of the attorneys general not to give legal opinions on such a matter. However, after some delay Attorney General Biddle did reply to the letter of Senator Moore and set forth his opinion that up to that time the P A C had not violated the Federal Corrupt Practices Act, nor the Hatch Act, nor the Smith-Connally Act. It is not necessary for me to point out that you are not bound by this opinion of Attorney General Biddle with which many eminent lawyers emphatically disagree.

Let me call your attention to the fact that many of the activities and expenditures of the P A C were after the date of the letter of Mr. Biddle to Senator Moore.

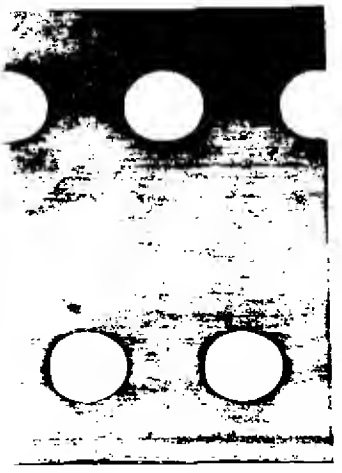
E-LLA-A1

Many millions of citizens believe that the conduct of the C I O and the P A C in this entire matter were in gross violation of the above mentioned three statutes, and they desire that you investigate this whole matter before you seat these 96 men as national law makers. They should certainly be required to state, and if possible, to prove that they are not unduly favorable in their convictions to the C I O which is a small minority bloc of our citizens, there being about 5,000,000 and about 130,000,000 other citizens. There proportionate share of the

members of your body should not be more than 20 men but they expect to have 96 men.

There has never been another instance like this since our Government was founded, and, if it is established as a precedent, there will be very serious future results.

If the National Manufacturers Association had set up a political agency and had contributed a great deal of money to it and had elected a number of members of your honorable body, there would have been an angry protest by the labor unions and this protest would have been justified. Is it possible that you will allow these 96 men who are claimed by Sidney Hillman as beneficiaries of the funds and the activities of the C. I O through the P A C to be seated without investigation?



It is beyond the belief of the most credulous and charitable that these 96 men will not have a sense of obligation to the C I O that will influence them to discriminate against the other labor unions, the business men, the farmers and the white collar workers.

This is a most earnest petition that you investigate this and collateral matters before these 96 men are permitted to take their places as members of your honorable body.

Sincerely yours,

b7c [redacted]

Tulsa, Oklahoma

He sent a similar letter to the Senate protesting the seating of the fourteen men which the Political Action Committee claimed to have elected.

These letters were ignored by the house and the senate. They should yet be acted on.

The Roosevelt Supreme Court:

In a letter under date of March 2, 1945, I asked the members of Congress:-

> What are you going to do about "the Kangaroo Court", still called the Supreme Court, which olds that 120,000,000 citizens, who do not belong to labor unions, have no rights that labor unions members are bound to respect?
>
> Will you join Honorable Dan R. McGehee, of Mississippi, in his effort to impeach Felix Frankfurter, as well as the other judicial usurpers, who push Congress aside, and issue their tyrannical orders to the states and to the citizens?

JUSTICE BREWER ON CRITICISING SUPREME COURT JUDGES

The following is an excerpt from the Lincoln Day, 1898, address of Mr. Justice Brewer, GOVERNMENT BY INJUNCTION (1898) 15 Nat. Corp. Rep. 849, taken from the Harvard Law Review, December, 1927, page 164:

> "It is a mistake to suppose that the Supreme Court is either honored or helped by being spoken of as beyond criticism. On the contrary, the life and character of its justices should be the objects of constant watchfulness by all, and its judgments subject to the freest criticism. The time is past in the history of the world when any living man or body of men can be set on a pedestal and decorated with a halo. True, many criticisms may be, like their authors, devoid of good taste, but better all sorts of criticism than no criticism at all. The moving waters are full of life and health; only in the still waters is stagnation and death."

COPY OF A LETTER TO JUDGE FELIX FRANKFURTER

Hotel Frodric
Kansas City, Missouri
December 15, 1943

Hon. Felix Frankfurter,
Associate Justice of the Supreme Court of the United States
Washington, D. C.

Dear Sir:

This is my earnest request that you resign at once your place as an Associate Justice of the Supreme Court of the United States.

Your opinions and influence as a member of the High Court have caused anxiety and alarm to many millions of citizens, and there is increasing resentment against your doctrines and decisions all over the country.

The address of President Frank J. Hogan of the American Bar Association, in San Francisco, on July 10th, 1939, with which you are, of course, familiar, is made a part of this letter. You can find it in the August number, 1939, of the Journal of the American Bar Association. Since then, your decisions have been increasingly bad, because they have been flagrant misinterpretations both of the Statutes of the Congress and of the Constitution of the United States. Some of them are as follows:

1. You have held in the notorious Carpenters' case that any group, claiming to be a labor union, is entitled to libel an honest firm and ruin its business. In that case, you hold that the Carpenters' Union was justified. You held also, a union justified in promulgating lies against the Anheuser-Busch Brewing Company of St. Louis, although there was no dispute between it and the Union.

2. Lately, you have held that a group of men who started a restaurant, doing all the work themselves, could be lawfully picketed on the ground that it was unfair to the said labor union.

3. In March, 1942, you concurred with the decision of the then Associate Justice, James F. Byrnes, in the case of the United States vs. Teamsters' Union of New York City, that members of the said labor union violated no Federal law, although they had forced with pistols a dairy farmer, driving his own truck to pay them $8.41, before he was permitted to drive his truck into New York City for the delivery of his daily load of milk.

Chief Justice Harlan F. Stone declared that you and the five other justices who made this notorious, outrageous decision, had made "common law robbery an innocent pastime."

Your course, as Justice of the Supreme Court, has alarmed and angered the best citizens of this nation. It has also aroused the anxiety of many men serving in the armed forces, who are fearing that, while they are risking their lives and giving their lives for the defense of human freedoms all around the world, you are using your power in this country to destroy them here. This letter and your answer will be released to the press.

Thanking you for a serious consideration of this request and for a prompt answer as to your decision to it, I am

Very truly yours,

[redacted]

Permanent Address:
[redacted] Tulsa, Oklahoma

Oklahoma League Against Communism, Nazism and Fascism.

NOTE: This letter has been sent three times to Judge Frankfurter. He has not replied. On a recent visit to Washington, I asked to talk with him about its contents, but his secretary refused to admit me to his august presence, informing me that he would not talk with me about this matter.

LABOR UNIONS TAXING THE RIGHT TO WORK

Since the war began, labor unions, with the connivance of the Roosevelt Administration, have not allowed workmen, who did not belong to unions to work i

plants making war material, unless they paid the unions for "Permits to Work". The price varied from $50 to $1000, and a United States senator estimated that the Unions collected $75,000,000 in this way, not warranted by any state or federal laws.

Thomas, of Aquinas, wrote: "To labor is to pray"; he was correct. The tax on the God given right to work is as heinous as would be the tax on the right to pray.

THE SUPREME COURT LICENSES MEMBERS OF UNIONS TO ROB OTHER CITIZENS

In the case of the United States vs. Local 807 of the Teamsters' Union of New York City, the Supreme Court adopted, by a vote of six to one, a decision by the then Justice James F. Byrnes, that members of this union who forced, at the point of firearms, a New Jersey farmer to pay $8.41 before he was permitted to drive his own truck filled with his own milk down the highway built by his own taxes. Chief Justice Harlan F. Stone alone dissented, and said that this decision "made common robbery an innocent pastime" for members of teamsters unions.

This decision was rendered in March, 1942, and has been the law of the United States for three years. Hon. Sam Hobbs, a member of the House of Representatives from Alabama, introduced a bill which would have made it impossible for labor union members thus safely to rob citizens. It was adopted by the House, and duly transmitted to the Senate, where it died in a pigeon-hole. Shame on such a cowardly Senate, terrorized by brutal labor union bosses!

THE DECISION AS TO INSURANCE

The Supreme Court has recently reversed past decisions of long standing as to the vast insurance business, so as to put it under the power of the Washington government. The attorneys general of forty one states at once asked for a re-hearing; their petition was peremptorily denied. The power of the state governments is being stolen by this court and given to the obese federal officials in the national capital. The Supreme Court judges are steadily robbing the states of their functions and powers.

On April 20, 1944, I sent out the following:

JUDGES WHO MUST BE IMPEACHED

Justice Felix Frankfurter, of the Supreme Court, has recently written, "The opinion that, if the words of a law are plain, the meaning of the law is plain--is pernicious over-simplification." Thus the professor reveals the theory, by which the once High Court has been guided to several important, outrageously oppressive decisions since 1938, when Roosevelt, with the consent of a majority of the senators, elevated this Austrian-born autocrat to this position of great judicial power. Since his taking over this power, the citizens and the states have been the victims of a series of despotic decisions, which grow rapidly more and more intolerable."

"Under the above quoted theory, the plainest meanings of the words of laws, either of statutes or of constitutions, do not bind the courts, and they have the power to interpret them, as their desires may determine; that is the power to change the constitutions, which are approved by the sovereign people, and the statutes, enacted by the congress, and the legislatures of the several states, by substituting their own laws."

"In far reaching decisions, involving labor questions, they have held, in effect, that 125,000,000 of us who do not belong to labor unions have no rights that 10,000,000 members of labor unions are bound to respect."

"Thirty years ago Theodore Roosevelt wrote Felix Frankfurter that he was a bolsheviat. Nevertheless, Franklin Roosevelt chose him for the Supreme Court, and most of the senators voted approval. The other justices have now joined him in the destroying of our laws."

"The House of Representatives should at once arraign these judges before the senate, and demand their immediate impeachment. The Constitution states that they shall hold office for life or during their good behavior. Their behavior is very bad. They are trampling under their impious foot the sacred rights of the states and of the citizens.

"Write your congressman your demand that he do his constitutional duty."

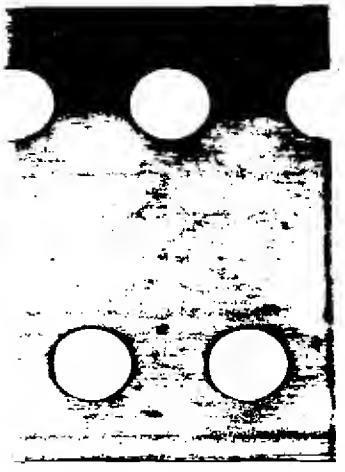
THE MONTGOMERY WARD MATTER

Citizens of our country should give due significance to Roosevelt's War on Montgomery Ward and Company, the most alarming of all his acts in the twelve years of his presidency.

This war began on April 26, when soldiers at his command seized the Chicago store and ejected from it Sewell Avery, the Chairman of its Board of Directors.

A number of editors, columnists and citizens made instant and indignant protests, and Roosevelt surrendered by returning the property to its owners in two weeks. The number of these protests was so small as to prove that our fierce love for liberty is too feeble either for pride or safety.

The 78th Congress did not spring to the defense of "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures". This fourth bill of constitutional rights was violated by Roosevelt.



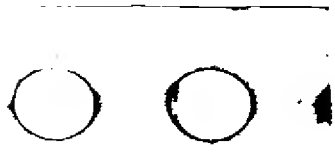
On December 28, 1944, the re-elected usurper renewed his War on this company by having his army seize its most important properties in several cities. He did this, as before, without even seeking an order or permission from any judge, state or federal.

He did this on the pretext that this company was oppressing its workers and punishing them, if they joined unions. One of the aims of Roosevelt is to force this company to discharge any member of a union who quits the union. There is no law, state or federal, providing for this.

Ward's workers do not desire it. Ninety per cent of the workers in the Chicago Store declared their opposition to it. Representatives of union members in four seized stores in Detroit openly state their opposition.

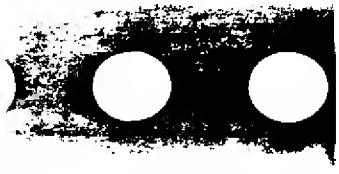
These workers are about to be victims of Roosevelt, Hillman, Murray, and the CIO, and red union racketeers and bosses.

Roosevelt is now seeking to get some judge to approve his despotic acts. Any judge who does so will be an accessory to anarchy.



Every Chamber of Commerce, Board of Directors of every Corporation or other business concerns, farmers' organizations, and every governor, the 79th Congress, should instantly and powerfully protest. Dewey and Bricker should rise from their political graves, and bitterly object.

Every pulpit should thunder a warning, remembering that "Resistance to tyrants is obedience to God."



What will citizens do about this war on free enterprise, on private property rights, begun by those who scorn the guaranties of the bill of rights, substitute soldiers for judges, and machine guns for codes?

Have we turned into mice who run for holes when we hear the footsteps of a despot?

SULLIVAN KNOCKS ROOSEVELT OUT!

Judge Philip L. Sullivan of Chicago, to whom President Roosevelt made petition, that he sanction his seizure on December 28, 1944, of sixteen properties of Montgomery Ward and Co., has denied the petition, and has rendered a sweeping and clear decision, that the action of Roosevelt was a violation both of the Constitution and of the Statutes of the Congress. No other president in the history of our government ever suffered such a judicial rebuke as this.'

Why did he order the soldiers of the army to seize the properties of the 60,000 stockholders of this company?

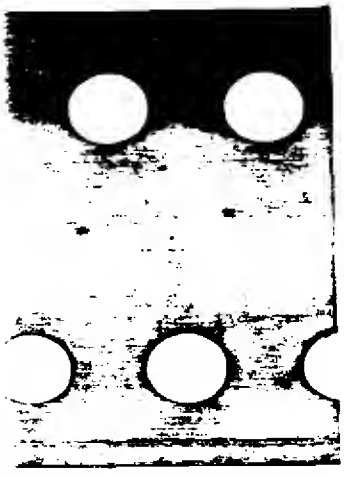
He did this because Sewell Avery, the Chairman of the Board of Directors, would not agree to put out of their jobs workers who quit unions. Roosevelt sought to use his power in behalf of the unions by forcing this company, and later, no doubt, all employers, to take away employment from all members of unions who might withdraw from them, so that they would be unable to support their families.

Any man or woman in the United States has the constitutionally guaranteed right to join a church, a fraternal order, a golf or chess club, and to quit any one

of these, if and when he or she wishes to do so.

Roosevelt sought to destroy such a right for all members of labor unions, now some 15,000,000 in number.

He made this dastardly (he pronounces it "dastárdly") effort in order to try to repay the CIO, the PAC, and Sidney Hillman for the help, financial and otherwise, given him in his race for a fourth term, without which he would have been defeated. For this help, he was willing to make 15,000,000 union members perpetual slaves to union bosses and racketeers, and to begin with the labor union members at work for Ward's.



Judge Sullivan, in his historically important decision, has had the courage to say, in substance, to the four times elected Roosevelt, who holds vast power in his hands, I deny that you have the legal power to seize private property, or to enslave 15,000,000 members of labor unions.

Roosevelt is now hurrying to the Supreme Court, in an effort to have it reverse Judge Sullivan. If it does so, it will sanction a new and nefarious slavery, which none of the tyrants of the past ever inflicted on the weak.

The high court now has an opportunity to begin to regain the respect of all right thinking, freedom-loving citizens, which it has lost by its notorious decisions of the last six years, which have been built on the pernicious principle, that 120,000,000 citizens of the United States, who do not belong to unions, including some 20,000,000 industrial workers, have no rights that labor unions are bound to respect. Whither the Supreme Court?

WHO IS TO BLAME?

The blame for the above stated alarming facts rests not only on leaders in executive legislative, and judicial offices, but also on every citizen.

You will agree, I think, that the greater responsibility rests upon you officers, who have repeatedly sworn, in the invoked presence of God,

"To preserve, protect, and defend the Constitution of the United States."

It is not my purpose to blame you for whatever failures you may be guilty of in the past, but to beg you, in all seriousness, to dedicate all your powers in the future to the rescue and the defense of our liberties.

If we all, officials and civilians, do not guard our heritage, bought for us by the studies, toil, tears, and blood of our forebears, we are ignoble traitors to them, as well as to our posterity, who will curse our memories to the dirge like accompaniment of their rattling chains.

May the God of our fathers strengthen you, and all of us, for this hour, that tries the souls of men!

Sincerely yours,

b7C [redacted]

Box 2123
Tulsa, Oklahoma

THE WASHINGTON TIMES HERALD
MAY 16, 1944

High Court O.K.'s Prostitutes' Vacation Trip

By TED LEWIS

The Supreme Court yesterday ruled that the operators of a house of prostitution have a perfect right to take the girls on "innocent" vacation trips across State lines, such pleasure jaunts not constituting violation of the Mann Act.

The five-to-four decision was delivered by the court's only bachelor, Associate Justice Frank Murphy. The ruling reversed the Mann Act convictions of Hans and Lorraine Mortensen, a couple who ran a house of prostitution in Grand Island, Nebr., and took two of the girls on an automobile trip to Salt Lake City and return.

"Innocent Recreation"

"The sole purpose of the trip," the decision said, "was to provide innocent recreation and a holiday for the girls."

Therefore, the court held "we refuse to sanction such an unfair application of the Mann Act" as embodied in the convictions. Moreover, the decision attacking the lower court action said "an interstate trip undertaken for an innocent vacation purpose constitutes the use of interstate commerce for that innocent purpose."

Murphy detailed the trip in question, explaining that the Mortensens had decided to drive to Salt Lake City in 1940 to see Mrs. Mortensen's parents. The girls asked that they be taken along for a vacation. The girls stayed at a tourist camp in Salt Lake City and spent their time "at shows and around the parks." When the group returned to Grand Island the girls "returned to their respective rooms."

Dissenter Gives View

"There was no act of prostitution on the trip and no discussion of such acts during the course of the journey," the opinion said, holding that to violate the Mann Act "it is essential that the interstate transportation have for its object or be the means of facilitating" immoral practices.

Agreeing with Murphy were Justices Frankfurter, Jackson, Roberts and Rutledge. Chief Justice Stone and Justices Black, Reed and Douglas dissented on grounds that the girls were returned to Grand Island for immoral purposes. To this the majority replied "we do not think it is fair or permissible to infer that this interstate vacation trip or any part of it was undertaken for such purposes."

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 3/6/67

FROM : SAC, WFO (80-)

ATTENTION: LATENT FINGERPRINT SECTION

SUBJECT: [redacted]
Marshal, U. S. Supreme Court
PUBLIC RELATIONS MATTERS
(OO:WFO)

b7C

Latent Fin...

Enclosed is sealed envelope marked "Evidence" containing 13 lifts (appropriately identified on the reverse side) of latent fingerprints, and two copies of name lists numbered one and two containing 26 names.

As a matter of cooperation with [redacted] Marshal, U. S. Supreme Court (USSC), it is requested fingerprints of persons whose names appear on these lists be located in the Bureau's identification files and compare with the latent prints referred to. All persons whose names are listed, except one, are of the Negro race, the one exception being [redacted] who is white.

On 3/1/67 [redacted] stated list number 1 contains the names (19) of persons whose fingerprints have been submitted to the FBI. Names on list number 2 are of persons who were not fingerprinted when they commenced employment at the USSC, although [redacted] believes most of them have Army or civilian fingerprints on file at the FBI.

On 1/25/67, [redacted] advised two cases of ... blended scotch whisky were stolen from a locked cabinet in a locked room near the Marshal's office in the USSC building. It is not Government property, but was brought into the building in connection with a party in honor of former Justice STANLEY F. REED. There was no evidence of

EX. PROC.

② - Bureau (Enc 3)
1 - WFO

ENCLOSURE

REC 27 32-1717-616

[redacted]

b7C

MAR 1_ 1967

a forceable entry into either the room or cabinet containing the whisky. Investigation conducted by [redacted] and the DSSC police points to an inside "job." Following a quiet investigation, it has been concluded by [redacted] one of the DSSC [redacted] employees is responsible. He pointed out three empty "1/2" blended scotch whisky bottles were located. They had been concealed in the basement area of the DSSC building.

b7C

At the request of [redacted] the ~~files~~ records were processed by SA [redacted] who has liaison responsibilities at the DSSC. Processing and lifting of prints was done in the presence of [redacted] who has initialed the lifts.

b7C

During the past few months, according to [redacted] other U.S. Government items have been reported stolen and he is convinced an employee of the DSSC is responsible.

[illegible] wished regarding results [illegible].

1-36 (Rev. 11-6-63)

FEDERAL BUREAU OF INVESTIGATION
LATENT FINGERPRINT SECTION WORK SHEET

Recorded: 3/7/67/12:00 pm

Reference No:
FBI File No: 32-19717-66
Latent Case No: 77062

Received: 3/7/67/JD

Answer to: SAC, WFO

Examination requested by: addressee

Copy to:

RE: [redacted] b7C
MARSHAL, U. S. SUPREME COURT
PUBLIC RELATIONS MATTERS

Date of reference communication: Letter 3/6/67
Specimens:

Thirteen (13) cards bearing thirteen transparent lifts.

Named suspects:

[redacted]

b7C

Continued b7C

Result of examination:

Examination by: [redacted]
Evidence noted by:

Examination completed 12:30 pm 3/10/67
Time Date

Dictated
Date

No. 1

2-24-67

Name	Social Security No.	Address	Place of Birth	DOB

[redacted]

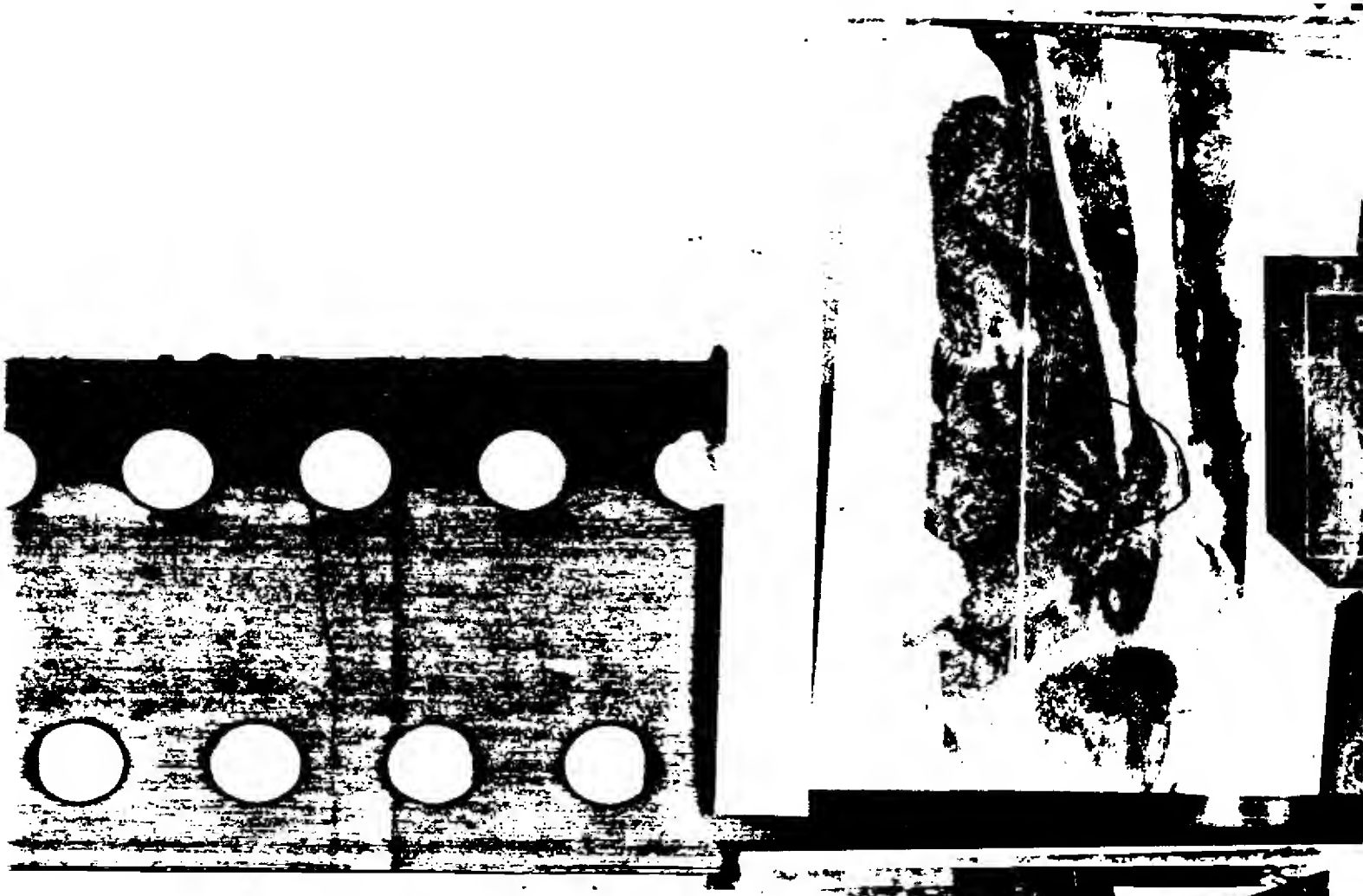
676

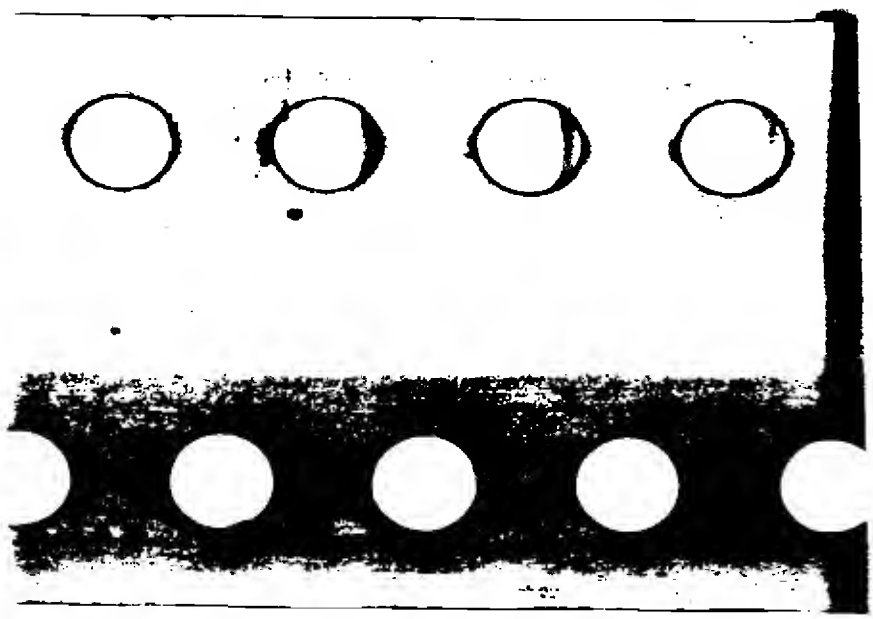
No. 2

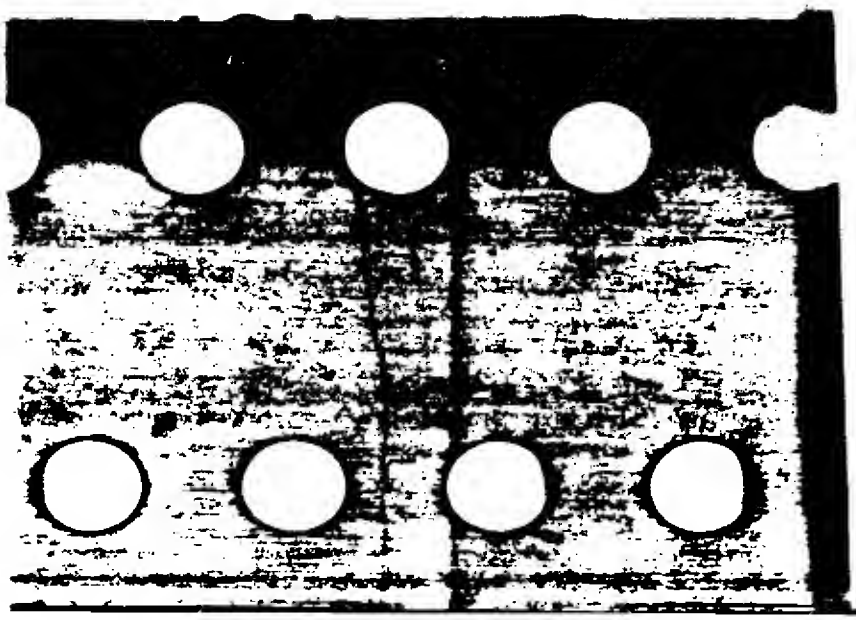
2-23-67

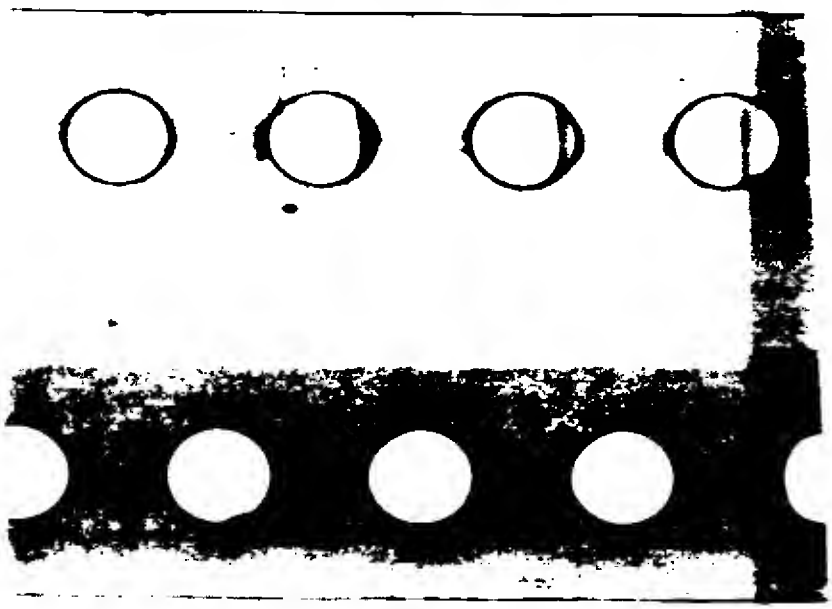
Name	Social Security No.	Address	Place of Birth	DOB
[redacted]				

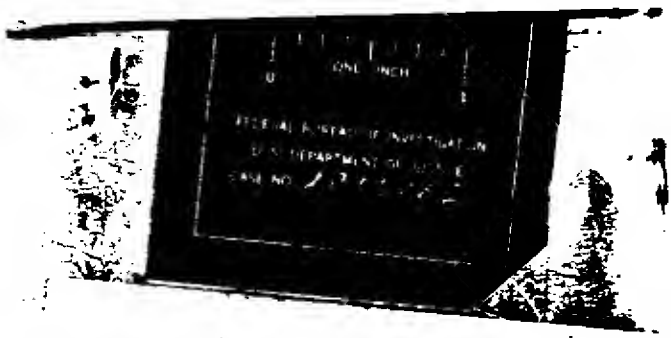
b7C











FED...AL BUREAU OF INV... TIGATION
Washington, D. C. 20537

REPORT
of the
IDENTIFICATION DIVISION
LATENT FINGERPRINT SECTION

REC 27

March 14, 1967

YOUR FILE NO.
FBI FILE NO. 32-19717614
LATENT CASE NO. 77062

TO: SAC, WFO

RE: [redacted]
MARSHAL, U. S. SUPREME COURT
PUBLIC RELATIONS MATTERS

REFERENCE: Letter 3/6/67
EXAMINATION REQUESTED BY: WFO
SPECIMENS:

The requested latent print examination is being conducted and you will be advised of the results upon completion.

MAILED
APR 4
COMM-FBI

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

[redacted]
(5)

61 APR 4 1967

John Edgar Hoover, Director

THIS REPORT IS FURNISHED FOR OFFICIAL USE ONLY

MAIL ROOM ☑ TELETYPE UNIT ☐

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537

REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

YOUR FILE NO.

FBI FILE NO. 32-19717

LATENT CASE NO. 77062

March 23, 1967

TO: SAC, WFO

LATENT FINGERPRINTS -
WASHINGTON D.C.

b7C

RE: [redacted]
MARSHAL, U. S. SUPREME COURT
PUBLIC RELATIONS MATTERS

REFERENCE: Letter 3/6/67

EXAMINATION REQUESTED BY: WFO

SPECIMENS: Thirteen cards bearing thirteen transparent lifts

This report supplements Latent Fingerprint Section report dated 3/14/67.

Three latent fingerprints and one latent impression, which may be either a fingerprint or a palm print, of value appear on four lifts all bearing markings indicating that they came from bottle #3. The remaining specimens do not bear latent impressions of value.

EX-103 REC 32 32-19717-617

Based on the information furnished, no fingerprint records were located here for [redacted]

b7C

(Continued on next page)

Enc. (14)

[redacted] (4)

J. Edgar Hoover

John Edgar Hoover, Director

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

SAC, WFO

March 23, 1967

b7C

[redacted] The latent impressions are not identical with the fingerprints of the other twenty-two named individuals and no palm prints were located here for any of them.

Specimens enclosed.

FILE

[redacted]

b1c

INDEXED 39-916-14

87 FEB 2 1945

This is a clipping from page 2 of the DAILY WORKER

Date 1-31-45

Clipped at the Seat of Government

High Court to Review Bridges Case

Agrees to Weigh Evidence; Rejects Biddle's Attempt to Limit Issue

Special to the Daily Worker

WASHINGTON, Jan. 29.—The Supreme Court announced today that it was granting a formal review of Harry Bridges' suit against deportation to Australia. The Court's decision is a defeat for Attorney General Francis Biddle, who ordered the California CIO leader deported in May, 1942, on charges of "Communism."

Such deportation would have taken one of the outstanding supporters of the no-strike policy from America and have given enormous comfort to the Trotzkyites who have vilified him unceasingly.

The Court rejected the Department of Justice's request to limit its consideration only to the issue of the constitutionality of the deportation and to refuse consideration to Bridges' charges that the Department acted on bad evidence and used wrong procedure.

The Court decided instead to review the question of evidence and procedure as well as that of constitutionality.

Carol King, Bridges' attorney, could not be reached for comment.

At the same time the Court denied a motion of the Communist Political Association to intervene in the case. The association wished to present evidence refuting Biddle's false statement that the Communist movement sought to overthrow the Government.

The CPA motion also pointed out Bridges is not and never was a Communist Party member.

Earlier in the war, in the Schneiderman decision, the Court ruled that Communist membership did not disqualify a foreigner from becoming an American citizen.

While final action in the Bridges case is still to come, the Court's decision to review the case and thus halt the deportation represents a victory for the progressive, win-the-war forces.

WAR ROLE LAUDED

Biddle himself and many admirals, generals and industrialists, as well as thousands of workers' leaders have testified to Bridges' usefulness to the war effort.

Bridges, said Biddle last August, "is doing an excellent war job on the San Francisco waterfront," where war cargoes were being loaded in record time by the members of the CIO Longshoremen and Warehousemen's union, of which he is president.

Nevertheless, Biddle continued to press for Bridges' deportation.

Red-baiting attacks on Bridges began in 1933 when he organized his fellow longshoremen in San Francisco into the ISFL longshoremen's union. The attacks reached a crescendo in 1934 when Bridges led the great waterfront strike. They continued when Bridges led the workers into the CIO in 1937.

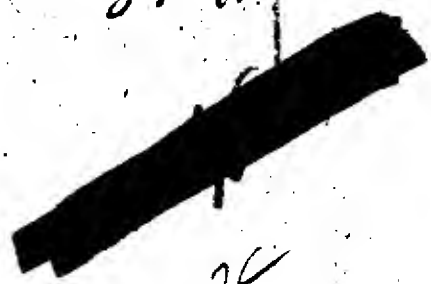
In 1939, the red-baiters' campaign for Bridges' deportation led to a hearing before James M. Landis, Dean of Harvard Law School, as the Government's referee.

Landis ruled that Bridges' testimony was "unequivocal in his distrust of tactics other than those generally included within the concept of democratic methods." Landis branded the testimony of the stoolpigeons and ex-convicts who spoke against Bridges as evasive, contradictory and unreliable.

The Department of Justice tried to deport Bridges again on the basis of a new statute. A hand-picked referee sustained the second attack, but the Department of Justice's Board of Appeals in Immigration Cases protested the decision and urged that deportation proceedings be dropped.

Nevertheless Biddle still pressed the case, which the Supreme Court has now decided to review.

FILE
39-915



62C

'Post' Calls on Biddle To Drop Bridges Case

The New York Post in a full length editorial yesterday came out decisively for dropping the persecution against Harry Bridges. This preceded by only a few hours the news that the Supreme Court has agreed to review the Bridges case.

The Post appealed specifically to U. S. Attorney General Francis Biddle to reverse himself and drop charges against the West Coast leader.

"Public officials and industrialists on the West Coast are alarmed," the editorial said. "Attorney General Robert W. Kenny, of California, wrote Biddle and President Roosevelt on Jan. 18, appealing for dismissal of the Bridges proceedings.

"Labor-management relations on the West Coast since Pearl Harbor have been remarkably good. Harry Bridges and his unions, according to California's Attorney General, have given 'concrete demonstration on the waterfront as well as in every industrial plant of a profound understanding of the need to bury differences.

"Last year the Assembly of the California Legislature passed a resolution praising the contribution of Bridges' union to the war effort. This resolution cited similar praise by the Maritime Commission and the Military Affairs Committee of the U. S. Senate.

"Attorney Biddle has rejected the legal arguments in behalf of Bridges," the Post added. "But he cannot ignore pleas based on unity between labor and management for winning the war. On that ground alone he must reverse himself."

Biddle, the Post said, gave his decision under a law which was written especially to "get" Bridges. The editorial then pointed out that when the deportation warrant was first issued in 1939, the law required that the Government prove membership in the Communist Party at the time of issuing a warrant in order to deport an alien and that after the Government lost this case, Congress amended the immigration laws to make the punishment retroactive.

HIGH COURT GRANTS REVIEW TO BRIDGES

Agrees to Hear Arguments on Whether to Deport Him as a Communist

By LEWIS WOOD
Special to THE NEW YORK TIMES.

WASHINGTON, Jan. 29—Harry Bridges, West Coast leader of longshoreman's unions, today won a Supreme Court review of the effort by the Federal Government to deport him to his native Australia on the grounds that he is a Communist.

Through a formal order, the high court agreed to hear arguments in the Bridges case but simultaneously refused the plea of the Communist Political Association to enter the controversy. The politicial association, successor to the diesolved Communist Party of America, had demanded a chance to prove that the original party organization did not advocate overthrow of the Government by forceand violence, as the Department of Justice alleged in the Bridges case.

As usual, no amplification was made of the Supreme Court order, but Associate Justice Robert H. Jackson, a former Attorney General, did not participate.

The Government charges against Mr. Bridges allege that he has been a member of the Communist Party of America since his entry into this country, and was also affiliated with the Marine Industrial Workers of America, a segment of the party.

The deportation proceeding upon which the Supreme Court will rule, was instituted in February, 1941. Some time previously, a former proceeding was cancelled when the Immigration authorities failed to prove that Mr. Bridges, an Australian alien, in the phraseology of the immigration law, is "a member of the Communist Party.

Meanwhile, in the case of Joseph G. Strecker, of Hot Springs, Ark., the Supreme Court decided that an alien could not be deported solely because he once held membership in the Communist Party. Following that ruling, Congress changed the Immigration Law to make the membership qualification read, "has been," at the time of entrance, or thereafter. Accordingly, the new proceeding was begun against Mr. Bridges, under another warrant, and has now been sustained by two lower courts.

Four years have elapsed since this action was started, but seven years in all have gone by since the original papers were filed. Supported by the CIO and other labor elements, Mr. Bridges has fought the case through the courts, consistently denying membership in the Communist grou[illegible]

56 FEB 26 1945

Mr. To[illegible]
Mr. E. [illegible]mm
Mr. Cl[illegible]
Mr. Co[illegible]
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

[redacted]

134-915-A
NOT RECORDED
87 FEB 24 1945

FILE

This is a clipping from page 21 of the New York Times for Jan. 30, 1945
Clipped at the Seat of Government.

FILE

[redacted]

b7C

Bridges Group To Press for Executive Act

The Supreme Court's acceptance of the case of Harry Bridges, West Coast CIO labor leader threatened with deportation, was hailed yesterday as a "welcome development" by the Harry Bridges Victory Committee, which is leading the fight on his behalf.

The committee added, however, that it would continue to press with renewed vigor for executive action to end the case immediately, because its larger issues transcended in importance the narrow legalism on which the court could rule.

"This case originated in an executive branch of government," said the committee, "and we feel that the way to end it once and for all is for the President to have the matter dropped immediately, thereby clearing the way for Mr. Bridges to become a citizen."

Their statement commented that two courts had already said in effect that though the evidence against Bridges was outrageous, they were powerless to interfere with the deportation order issued by Attorney General Biddle.

INDEXED

137-9465-4

FEB 2 1945

This is a clipping from page 4 of the DAILY WORKER

Date 1-31-45

Clipped at the Seat of Government

FIVE

57 FEB 8 1945

FILE

High Court Gives New Trial to 3 Ga. Officers in Negro Killing

WASHINGTON, May 7 (UP).—The United States Supreme Court in a 5-4 split today ordered a new trial for three former Georgia police officers who were sentenced by a Federal court to three years imprisonment and $1,000 fine each for allegedly beating a Negro prisoner to death.

The majority opinion, written by Justice William O. Douglas, asserted that the Federal Government has the right to prosecute offenses which ostensibly are within state jurisdiction. He said the new trial was necessary because the question of intent on the part of the officers had not been submitted properly to the jury.

Justice Owen J. Roberts dissented, joined by Justices Robert H. Jackson and Felix Frankfurter. In a separate dissent, Murphy said:

"Too often, unpopular minorities, such as Negroes, are unable to find effective refuge from the cruelties of bigoted and ruthless authority. States are undoubtedly capable of punishing their officers who commit such outrages. But where, as here, the states are unwilling for some reason to prosecute such crimes, the Federal Government must step in unless constitutional guarantees are to become atrophied."

RUTLEDGE VOTE

Justice Wiley B. Rutledge said he joined in Murphy's views but that he voted with the majority to "prevent a stalemate."

The officers, M. Claude Screws, Frank Edward Jones and Jim Bob Keley, contended that the prisoner, Robert Hall, of Newton, Ga., had threatened with a shot gun in resisting arrest. They also argued that Federal courts do not have jurisdiction to try state arresting officers for the crime of assaulting state prisoners.

Douglas said the government does have such authority under an 1870 Federal criminal statute.

He said the men must be tried on the basis whether their acts were willful or in bad faith.

"The presence of a bad purpose or evil intent alone may not be sufficient," he said.

INDEXED 13

144-746-A

NOT RECORDED

87 MAY 21 1945

This is a clipping from page 1, 4 of the DAILY WORKER

Date 5-9-45

Clipped at the Seat of Government

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Coffey
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Hendon
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

File

UMW Files Formal Plea

John L. Lewis and his AFL United Mine Workers yesterday asked the Supreme Court to consider 10 questions relative to their plea challenging the right of District Judge T. Alan Goldsboroubh to find them guilty of contempt of court and assess fines in the coal strike case.

Lewis and the union charged that the fines assessed ($10,000 for Lewis and $3,500,000 for the unons) were "repugnant" to the 5th and 8th amendments prohibiting taking of property without due process of law and the levying of "excessive" fines.

The mine workers' brief also squarely challenged the right of Judge Goldsborough, under the Norris - La Guardia Act and the Clayton Act, to halt the coal dispute by injunction. The lower court's order was further attacked as violating the 1st (free speech) and 13th (involuntary servitude) amendments.

Additional groundwork to escape the fines and conviction was offered in questions whether a union, as an unincorporated association, can be held responsible for the wrongful acts of an officer.

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8 DEC 30 1946

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PM DAILY
Page 1

Mr. Tolson
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Mr. Clegg
Mr. Colley
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Hendon
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

Foremen In Union Upheld

Lewis, United Mine Workers, Score Points in Two Courts

By Dillard Stokes
Post Reporter

John L. Lewis and the United Mine Workers won points yesterday in two courts.

1. The United States Court of Appeals here partly upheld the right of foremen to join the same union as rank-and-file miners.

2. The Supreme Court said it would hear the 10 objections of Lewis and the UMW to their fines of more than 3½ million dollars for contempt of court for calling the recent coal strike.

Some time ago, foremen in four mines run by Jones & Laughlin Steel Corp. joined the United Clerical, Technical and Supervisory Employes, a division of UMW's District 50. Hearings and an election were held by the National Labor Relations Board. After the Government took over the mines, during the strike last spring, NLRB certified the UMW unit as bargaining agent for the foremen. Admiral Ben Moreell, as Coal Mines Administrator, made a contract with the UMW, covering foremen's hours, wages and the like, for the period the Government held the mines.

Jones & Laughlin went to court to block the contract, but Justice Bennett C. Clark said in his opinion yesterday that the deal was perfectly legal. Justices Henry W. Edgerton and E. Barrett Prettyman joined in the opinion.

Clark said that as long as the Government ran the coal mines it had the same right as any other employer to bargain with the workers, and that Moreell had done no more than that.

The opinion did not squarely decide whether foremen in general have a right, under the Wagner Act, to belong to the same union as the rank and file workers. But Clark noted the Jones & Laughlin claim that straw bosses could not properly belong to the same union as other miners and said that in this case he could not see why not. The company pointed out that the bosses have the duty of enforcing safety rules. Clark quoted an NLRB ruling which said the rules were for the safety of the miners, rather than of the mines, so that was no reason foremen should not be fellow unionists of the men they were safeguarding.

Jones & Laughlin counsel gave notice of an appeal to the Supreme Court, where the foremen's union question is already involved in one case, with another Jones & Laugh-

See COAL, Page 6, Column 1

File

NOT RECORDED
INDEXED 8 DEC 30 1946

53 JAN 9 1947

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WASHHINGTON POST
Page 1

COAL

From Page 1

lin case on the same point to be brought up soon.

The Supreme Court order yesterday made sure that nearly the whole coal strike injunction case would be heard at once, at the hearing set for Tuesday, January 14.

UMW President Lewis and Secretary of Interior Julius A. Krug last spring signed an agreement on wages, hours and welfare which ended the spring strike. The miners got $1.18½ cents an hour for a 35-hour week with up to 19 hours overtime; yearly vacations, a Federal safety code and a welfare fund kept up by a charge of 5 cents on all coal mined.

Lewis asked in October for better terms, which have not been made public. They included a 40-hour week with the same take-home pay and twice as much for the welfare fund. Krug refused to bargain, saying Lewis must deal with the owners, who were going to get the mines back soon.

Lewis then called off the Krug-Lewis agreement. The Administration claimed he had no right to do so and went to court for a ruling on this point.

Justice T. Alan Goldsborough of the District Court ordered Lewis and the UMW to let the agreement ride and to head off a strike until he ruled, but 400,000 soft coal miners walked out just the same.

The justice fined the UMW three and a half million dollars, and Lewis $10,000, for civil and criminal contempt of court. They appealed, and the Justice Department sped the case through to the Supreme Court, which set a hearing for next month. This hearing was set on the one question raised by the Justice Department—whether the Norris-LaGuardia Act keeps the Government from fighting strikes with court orders.

UMW counsel then raised 10 points of their own, saying the Goldsborough order was against the Constitution, the fine was too high and the proceedings were faulty. Attorney General Tom C. Clark said he did not oppose having these questions heard and yesterday's order was taken for granted.

After the case was before the high court Lewis called off the strike.

The Solid Fuels Administration said yesterday the 17-day coal strike cost the country about 25 million tons of coal. The 59-day strike last spring cost 90 million tons.

D. C. to Get $2,106,000 If UMW Fine Is Upheld

The District of Columbia government probably will get the lion's share of the $3,510,000 in fines which John L. Lewis and his United Mine Workers may have to fork over.

If the Supreme Court upholds the conviction of Lewis and the UMW for contempt and the fines are collected. The financially hardpressed District stands to get $6000 out of the $10,000 that Lewis personally was fined—and $2,100,000 out of the UMW levy—or a grand total of $2,106,000.

The Revenue Act of 1939 provides that the District gets 60 per cent of all fines paid into District Court.

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Coffey
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Mohr
Mr. Carson
Mr. Harbo
Mr. Hendon
Mr. Mumford
Mr. Jones
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

High Court To Rule on Labor Pacts

The Supreme Court today may take the first step toward reviewing a legal fight over whether an employer-union collective bargaining agreement might be an illegal alliance for the control of territorial trade markets.

The tribunal has been asked to examine the question in two suits in which it is charged that the labor contracts involved are in violation of the Sherman Antitrust Act.

In one, a group of electrical equipment manufacturers, including Westinghouse and General Electric, have charged that local electrical workers' unions, electrical contractors and manufacturers in the New York city area have formed a "tripartite alliance" designed "to relegate the New York city market to a condition of economic isolation."

The second involves the Federal Government's action to outlaw a working contract drawn up among millwork and pattern lumber manufacturers and AFL carpenters' unions in the San Francisco Bay area.

The court may indicate today whether it will consider the issue by granting a review in the lumber case in its orders for the day. While action in the electrical suit is not expected, it is presumed that the tribunal will consider both if a review is granted in either.

INDEXED
160-0-A
NOT RECORDED
87 DEC 21 1944

1

55DEC 29 1944

DEC 18 1944

WASHINGTON TIMES-HERALD
Page

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

HHC:BG

July 31, 1937.

MEMORANDUM FOR THE DIRECTOR

There is attached hereto a publication entitled, "Talks," issued by the Columbia Broadcasting Company, which sets forth speeches made by various individuals on the Supreme Court issue.

Respectfully,

H. H. Clegg.

COPIES DESTROYED 6/24/54 23

RECORDED & INDEXED

61-7557-1511
FEDERAL BUREAU OF INVESTIGATION
AUG 12 1937 A. M.
U. S. DEPARTMENT OF JUSTICE

TOLSON
TAMM
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ONE
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4-750 (Rev. 4-17-85)

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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

_____ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☐ Deleted under exemption(s) _____ with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s):

_____

_____

☒ For your information: The pamphlet "Talks" was forwarded to the Department of Justice and never returned.

☒ The following number is to be used for reference regarding these pages:
cross reference #14 (61-7559-1599)

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X DELETED PAGE(S) X
X NO DUPLICATION FEE X
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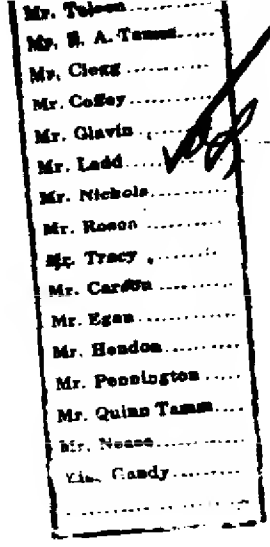
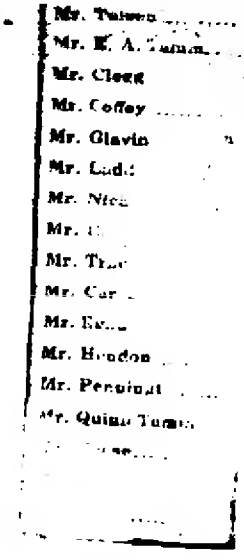
FBI/DOJ





Treason Question in High Court; Cramer Conviction Up Tomorrow

By LEWIS WOOD

Special to THE NEW YORK TIMES.

WASHINGTON, Nov. 4—The whole philosophy and meaning of treason under the Constitution will be discussed before the Supreme Court Monday in the case of Anthony Cramer of New York, convicted in lower courts of giving aid and comfort to two of the eight Nazi saboteurs who walked out of the sean in June, 1942, bent on a mission to destroy this country's aluminum industry.

Isasmuch as the Cramer case is the first actual test of the treason laws ever to reach the Supreme Court for decision in all its 150-year-old history, and because other treason trials may arise from this war, the nine jurists attach great significance to the issue. Later they will interpret for the first time the meaning of the constitutional words.

Quotations involved in Mondky's argument have demanded an intensive and almost endless search of the entire background of English law on treason at the time of the Constitutional Convention and also the colonial and early American material relative to the subject. One of the most picturesque of these precedents is the case of "Lord Preston," who was tried for treason against England more than 250 years ago.

This is the second time this year the Cramer case has reached the highest court. Originally it was argued in March, with Charles Fahy, the Solicitor General, repre-

Continued on Page 21, Column 1

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This is a clipping from page 1 of the New York Times for

Nov. 5, 1944

Clipped at the Seat of Government.

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TREASON QUESTION BEFORE HIGH COURT

Continued From Page 1

senting the Federal Government, and Cramer defended by Harold R. Medina, chairman of the New York Cityy Bar Association and Law Professor at Columbia University. Mr. Medina, appointed by Judge Knox to act for Cramer in the trial court, without fee, has been engaged in the task since that time.

When the important matter came before the nine justices in March, every one asked pointed questions, and their interest in the basic issues was so intense that they ordered a reargument. The court directed Mr. Fahy and Mr. Medina to submit briefs and contentions defining the constitutional meaning of "Treason," and "Overt Acts," as applied to the case and details concerning the requirement that two witnesses must testify to the "same overt act."

Cramer, 44-year-old mechanic and German-born American citizen, was indicted for giving aid and comfort with treasonous intent, to Werner Thiel and Edward John Kerling, two of the saboteurs who landed near Jacksonville and were subsequently executed in this city. As to two of the "overt acts" it was stated that Cramer "did confer, treat and counsel with" Thiel alone, on June 23, 1942, in New York City at the Twin Oaks Inn, Lexington Avenue and Forty-fourth Street, and Thompson's Cafeteria, on Forty-second Street, between Lexington and Vanderbilt Avenues; and with Thiel and Kerling together at the same places. A third "overt act" was an accusation that Cramer gave false statements to FBI agents for the purpose of concealing Thiel's identity and sabotage mission.

Contentions of the Defense

But Mr. Medina contends that since the Government offered "no proof whatever" of the subject matter of the restaurant conversations, nothing more was shown than that some conversations occurred. In other words, merely meeting and talking with an enemy would not be giving aid and comfort. As to the false statements, the defense says there was no proof that these furnished aid and comfort, the only allegation being that they were so intended.

The Government, however, asserts that any act which was part of a scheme or plan to supply aid and comfort was a sufficient act of treason, however innocent and harmless it might appear of itself.

Under the Constitution treason consists of levying war against the United States "or in adhering to their enemies, giving them aid and comfort." No person shall be convicted of treason "unless on the testimony of two witnesses to the same overt act or on confession in open court." The maximum penalty is death, but Cramer was sentenced to forty-five years and a $10,000 fine.

History of "Preston's Case"

"Lord Preston's case," the Government states, is "a significant landmark in the law of treason," while Mr. Medina says it is the first fully reported case of adhering to the King's enemies he can find. The British nobleman, with others, hired a small boat in 1690 to take them to another boat for France, then at war with England. They were caught, with papers informing the French how best to invade England.

Before the English court, Lord Preston argued that no overt act of treason had been proven as occurring in Middlesex County where he took the wherry. But the justices denied this by saying that any part of the attempted journey wa streason.

"It is high treason wherever he went," said Lord *Chief Justice* Holt. "His taking water at Surrey Stairs in the County of Middlesex will be as much high treason, as the going a ship-board in Surrey, or being found on ship-board in Kent, where the papers were taken."

Other Cases Examined

This case is only one of the many examined. In 1696 Captain Vaughan was indicted for accepting a commission from the King of France to command the ship-of-war Lolay Ciencarty. Sixty years later, Dr. Hensey was tried for treasons of "compassing the King's death and adhering to his enemies." The trail of Sir Roger Casement in World War I is cited.

Various American precedents are also mentioned. In 1814 a man named Lee was charged with treason in supplying the British with fruits and melons and giving information on our troops. The jury, however, let Lee go free.

Although this is the first actual test of the treason laws before the Supreme Court, the tribunal has acted without comment on appeals of other persons than Cramer. One was that of Max Stephan of Detroit, who helped a German flier to escape from a Canadian prison camp, and is now serving a life sentence.

November 5, 1932.

The reason Communists were to leave for Washington on November 5th was just learned.

It appears that orders have gone out for the picketing of the Supreme Court on Monday Nov. 7th, at 10:00 A.M.

The Advance Guard of 150 persons who are to make the preparations for the Hunger March have been ordered to Washington for next week.

ANONYMOUS COMMUNICATION
SEE ENVELOPE ATTACHED

Letter Supt Police 11-10-32
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NOV 12 1932

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NOV 11 1932

DEPARTMENT OF JUSTICE

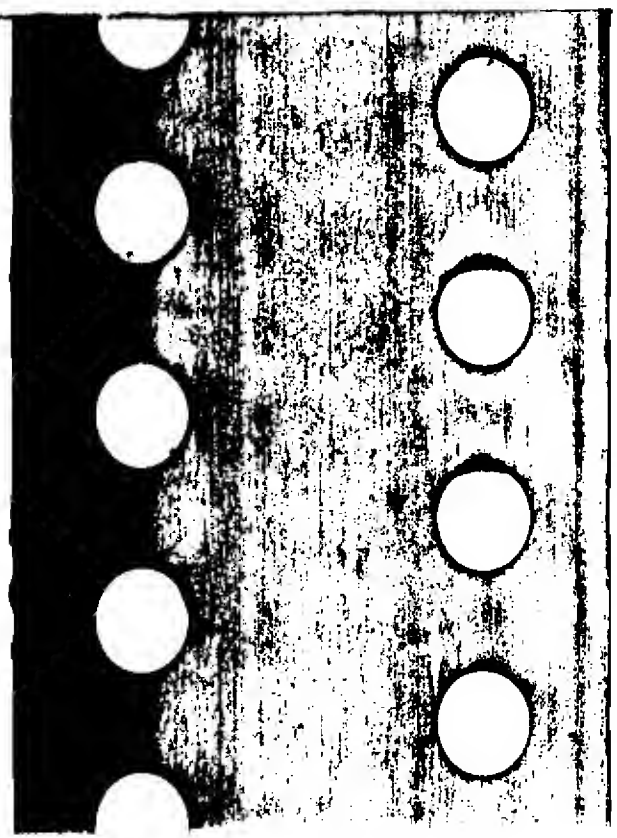
FILE

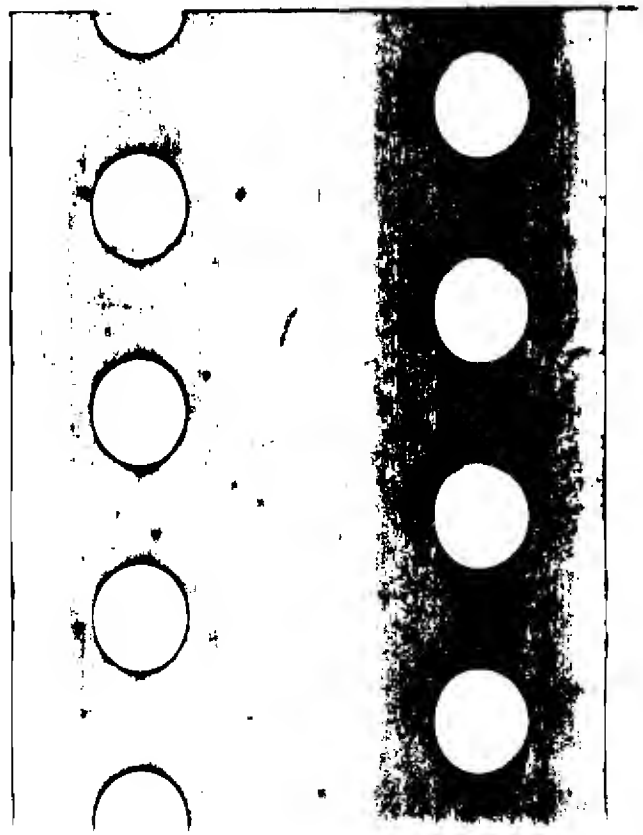
After 5 days return to
THE YOUNGSTOWN SHEET & TUBE CO.
YOUNGSTOWN, OHIO

YOUNGSTOWN NOV 5 2 30PM 1932 OHIO

U.S. POSTAGE PERMIT ADDL POD. PAID No. 2915 TWO CENTS PAID

Mr. J. Edgar Hoover,
Bureau of Investigation,
U. S. Dept. of Justice,
Washington, D. C.





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RECORDED

NOV 9 1932

November 10, 1932

[redacted]

62E

Metropolitan Police Department,
Washington, D. C.

Dear Sir:

Information has been received from an anonymous source that Communists are being preceded to Washington from the vicinity of Youngstown, Ohio, by an advance guard of 150 persons, who are to make the preparations for the Hunger March. The Bureau has no information as to the reliability of this data.

Very truly yours,

Director.

61-7559

March 2, 1937.

RE: NATIONAL LAWYERS GUILD

The Washington Star for February 17, 1937, points out that on the night preceding the local chapter of the National Lawyers Guild gave unequivocal approval of President Roosevelt's plan to reorganize the Supreme Court. It is stated that this local chapter includes many Government attorneys.

It is pointed out that one dissenter, W. C. Sullivan, an attorney in private practice, walked out of the meeting. The meeting was held in the Washington Hotel, the local chapter having a membership of more than two hundred. A formal organization was adopted. The officers chosen were:

President	-	Thomas I. Emerson, Social Security Board
Vice President	-	Fred Ballard, private practice
Secretary	-	Irving J. Levy, Resettlement Administration
Treasurer	-	Burr Tracy Ansell, private practice.

Approval and reorganization of the Supreme Court was adopted only after provision had been made stressing the need of a constitutional amendment to insure progressive legislation.

LAWYERS' GUILD BACKS COURT PLAN

Local Chapter Approves After One Dissenter Walks Out.

"Unequivocal" approval of President Roosevelt's plan to reorganize the Supreme Court was announced last night by the local chapter of the National Lawyers' Guild, an organization including many Government attorneys among its members.

The resolution of indorsement was adopted unanimously after one dissenter, W. C. Sullivan, an attorney in private practice, had walked out.

Meeting in the Washington Hotel, the local chapter, with a membership of more than 200, was formally organized last night. Officers chosen were:

Thomas I. Emerson, Social Security Board, president; Fred Ballard, private practice, vice president; Irving J. Levy, Resettlement Administration, secretary, and Burr Tracy Ansell, private practice, treasurer.

Amendment Treated Separately

The resolution approving the Supreme Court reorganization was adopted after a provision stressing the need of a constitutional amendment to insure progressive legislation had been treated separately and approved by a divided vote.

Some of the members expressed the belief that the idea of a constitutional amendment was being advanced throughout the country to draw fire from the President's proposals with reference to the high court.

The court's proposal was opposed by the recently organized Public Speaking Committee of the junior bar section, District Bar Association, by a vote of five to four in a meeting yesterday. The District Bar, meeting Monday night, had gone on record as overwhelmingly opposed.

The Junior Lawyers' Committee voted on the question in discussing subjects for presentation before civic organizations, clubs and schools. The President's judiciary program heads the list. Junior speakers will be prepared to debate either side of the question or lead forum discussions.

Other Subjects Chosen.

Other subjects selected were the legal profession, jury service, the proposed office of public defender, the small claims court, local legal improvement and "The Lawyer Looks at the Public."

James R. Kirkland, chairman of the committee, said the speakers will appear as individuals, debating groups or forum leaders before organizations and institutions extending invitations. Communications with regard to speakers should be directed to Philip Herrick, secretary of the committee, Kirkland said.

Other members of the Speaking Committee are Lyle F. O'Rourke, vice chairman; William J. Rowan, Leo McGuire, Pierre Bowen, Miss Helen Newman, Patrice Rice, Leroy S. Bendheim, Russell Jewell, Morgan Martin, Benjamin Williamson and Jesse R. Smith.

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INVESTIGATION OF UN-A
PROPAGANDA ACTIVITIES
UNITED STATES

HEARINGS

BEFORE A

SPECIAL
COMMITTEE ON UN-AMERICAN ACTIVI
HOUSE OF REPRESENTATIVES

SEVENTY-SIXTH CONGRESS

FIRST SESSION

ON

H. Res. 282

TO INVESTIGATE (1) THE EXTENT, CHARACTER, AND OBJECTS OF UN-AMERICAN PROPAGANDA ACTIVITIES IN THE UNITED STATES, (2) THE DIFFUSION WITHIN THE UNITED STATES OF SUBVERSIVE AND UN-AMERICAN PROPAGANDA THAT IS INSTIGATED FROM FOREIGN COUNTRIES OR OF A DOMESTIC ORIGIN AND ATTACKS THE PRINCIPLE OF THE FORM OF GOVERNMENT AS GUARANTEED BY OUR CONSTITUTION, AND (3) ALL OTHER QUESTIONS IN RELATION THERETO THAT WOULD AID CONGRESS IN ANY NECESSARY REMEDIAL LEGISLATION

VOLUME 10

OCTOBER 16, 17, 18, 19, 20, 21, 23, 24, 25, AND 28, 1939
AT WASHINGTON, D. C.

Printed for the use of the Special Committee on Un-American Activities

UNITED STATES
GOVERNMENT PRINTING OFFICE
94931 WASHINGTON : 1940

Mr. THOMAS. What led you to make that request? There must have been some reason for it?

Mr. MARCANTONIO. It is natural, Congressman, in having read any charges against the International Labor Defense Council that may have been made, it was only natural, may I say to my colleague.

Mr. THOMAS. I am not referring to today, but as of the time you made the statement.

Mr. MARCANTONIO. Correct.

The CHAIRMAN. Something must have led you to make such a statement.

Mr. MARANTONIO. The reason I made the statement was simply because we defend the right of a Communist to be a Communist; we defend persons time and time again, charged with being Communists, but I never lost an opportunity to assert and to reassert that the organization was non-Communist.

Mr. THOMAS. Had you made any investigation as to whether it was Communist or not?

Mr. MARCANTONIO. My investigation is right there; I am the president; I run the organization.

The CHAIRMAN. You run the whole organization?

Mr. MARCANTONIO. In accordance with the rules and bylaws and in accordance with the constitution of the order. In other words, I run the organization in the same sense that Mr. Green runs the A. F. of L. and the President runs the United States, in accordance with the constitution and bylaws and regulations of the organization.

Mr. THOMAS. Who formulates the policies of the organization; the governing body?

Mr. MARCANTONIO. Let me say this about the policies: There are very few policies formulated, because, if we are convinced of a person being framed, it is simply a question of getting in touch with a good lawyer to defend him.

Mr. THOMAS. You just assume he has been framed up and go ahead and employ a lawyer?

Mr. MARCANTONIO. I said if we were convinced.

Mr. THOMAS. If you were convinced?

Mr. MARCANTONIO. If we were convinced; yes.

Mr. THOMAS. Did you defend this fellow Strecker?

Mr. MARCANTONIO. Strecker—the International Labor Defense defended Strecker.

Mr. THOMAS. Strecker was a Communist?

Mr. MARCANTONIO. Certainly; and the Supreme Court agreed with the position taken by the International Labor Defense; and if it is wrong, the Supreme Court is wrong; if we were un-American, the Supreme Court is un-American.

Mr. THOMAS. Of course, personally, I think it was the poorest decision the Supreme Court ever made.

The CHAIRMAN. Well, gentlemen, let us not try to settle that here.

Mr. MARCANTONIO. Well, if you think Chief Justice Hughes is in error, it is a question of which one you are to accept, Mr. Chairman.

Mr. WHITLEY. Mr. Chairman, there seems to be considerable question in the mind of both Miss Damon, the executive secretary, and Congressman Marcantonio with reference to the subject of whether or not the International Labor Defense was ever affiliated with the International Red Aid. I think perhaps a few quotations from the

Mr. MARCANTONIO. We had this in mind, we had this concrete situation, in other words, of getting into airplane factories, and Nazis hanging around various places involving the national defense; in other words, where their activities were of an espionage character.

The CHAIRMAN. Would that be true of Communists?

Mr. MARCANTONIO. If the Communists were involved in espionage.

The CHAIRMAN. Why did you not say——

Mr. MARCANTONIO. If a Communist were involved in espionage, we would not defend him. We are not defending spies.

The CHAIRMAN. Then why did not you say in the resolution "Communists" along with "Nazis"?

Mr. MARCANTONIO. I have been trying to explain that. That question came up before the national board and came up in connection with a specific proposition of a Nazi activity, and we said that Nazi activity involved espionage and would not come within the purview of our activities. The I. L. D. will not undertake the defense of any Nazi, Fascist, or any other, under those circumstances. In other words, it will not defend them or any other persons or organizations whose aims and activities are antilabor and antidemocratic.

The CHAIRMAN. It looks to me like that means what it says.

Mr. MARCANTONIO. Exactly.

The CHAIRMAN. Anybody whose aims are antidemocratic or antilabor, regardless of what they engage in, you won't defend them?

Mr. MARCANTONIO. We won't defend them if their activities are such—I was present at the time that resolution took place——

The CHAIRMAN. All we have is what you say in the resolution.

Mr. MARCANTONIO. Many times we have lost these cases where we just have words and have the Supreme Court interpret them. I am telling you just what happened. We will not—I will say once again—we will not defend anybody involved in an antidemocratic activity. By that I mean anything which is unlawful. And why do we mention Nazis? Because the Nazi constitution and the Fascist constitution came up, and we passed a resolution on that. But I go further: if a Communist is involved in an espionage activity, the International Labor Defense will not defend him. We will not defend anybody.

Mr. STARNES. What about sabotage?

Mr. MARCANTONIO. Sabotage includes espionage. It would include sabotage, certainly.

Mr. STARNES. What about men who are guilty of murder?

Mr. MARCANTONIO. If a man is accused of murder, we will not defend murder cases.

Mr. STARNES. I said guilty of murder.

Mr. MARCANTONIO. Where are civil rights involved there?

Mr. STARNES. What about men who are guilty of arson and the destruction of property?

Mr. MARCANTONIO. We are not a public-defender outfit. There are no civil rights involved there. The answer is "No"; unless the man is framed and we are convinced that they charge the man with arson simply because he happens to be a labor leader. In other words, like the Mooney case.

Mr. STARNES. I said guilty of arson.

Mr. MARCANTONIO. Just a moment; I want to get down to cases. I say where a man is charged with murder, and we are convinced he

is innocent of that murder, we are convinced he is charged with murder because of his labor activities, certainly we would defend him.

Mr. STARNES. Now, who is the supreme court of the I. L. D.?

Mr. MARCANTONIO. We have no supreme court. We have a president.

Mr. STARNES. Well, who is the man, or group of men, or women, in the organization that lays down the yardstick and decides whether it is undemocratic or antilabor?

Mr. MARCANTONIO. If it is the usual run of case, it is usually decided by myself; if there is a real policy question involved, it comes up before the governing board. We have had no such case since I have been president.

Mr. STARNES. Is it not a fact in the I. L. D.—well, I cannot ask that question, because you have confined it to your knowledge since 1937, but I wanted to ask if it was not a fact that the I. L. D. had volunteered its services and stepped into cases and sought to interfere with the processes of the courts of this country, and if they had not attempted to influence, to browbeat, and intimidate the civil authorities of this country?

Mr. MARCANTONIO. My answer is "No."

Mr. STARNES. Never?

Mr. MARCANTONIO. Never; as far as I know; and, furthermore, as I said before, we came into the De Jonge case, and the Supreme Court agreed with us, and the Strecher case——

Mr. STARNES. Was De Jonge a member on your board of directors?

Mr. MARCANTONIO. I think he is. We came into the De Jonge case——

Mr. STARNES. Is not the fact of the business this: That the reason the denouncing of communism has never been embodied in the resolutions adopted by the I. L. D., the fact that a resolution to that effect has the same chance as the proverbial snowball in the lower regions of ever being considered and passed by the I. L. D.?

Mr. MARCANTONIO. As I say to you gentlemen, give us a case of one person deprived of democratic rights by the Communists, and I will give you my guaranty, if he comes to us, he will be defended.

Mr. STARNES. And, Mr. Marcantonio, since you have been a member, you have undertaken to defend the religious and political liberties of persons in the Soviet Union?

Mr. MARCANTONIO. In the Soviet Union, in Alabama, or anywhere else. We have only had one case, and that was an American citizen——

Mr. STARNES. I want to say I subscribe wholeheartedly to the doctrine of freedom of speech and freedom of the press, and that includes Communists, Fascists, Nazis, or whoever he is, if he is an American citizen; but I have an absolute aversion to some person who comes to this country as an agent of a foreign government and becomes a naturalized citizen in order to wrap himself in the Constitution and the Bill of Rights, to seek the destruction of this Government. And that is the reason I, and many other Americans, look with suspicion on these various organizations.

Mr. MARCANTONIO. And the gentleman's views on aliens and my views on aliens are not in accord.

The CHAIRMAN. Let us not get into that discussion.

Mr. STARNES. And we hav
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Mr. MARCANTONIO. May I
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to American development.

Mr. STARNES. Which we al
I am the son of one myself.

Mr. MARCANTONIO. And t
have been allowed the privile

Mr. STARNES. That is righ
privilege of destroying the

The CHAIRMAN. Let us p

Mr. WHITLEY. Congressm
Daily Worker, official organ
an article captioned "I. R.
world's toilers"——

Mr. MARCANTONIO. That w

Mr. WHITLEY. 1933; 4 yea
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Mr. MARCANTONIO. Well, y
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Mr. WHITLEY. I think it w
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Mr. MARCANTONIO. I am si

Mr. WHITLEY. Reading fr

A call to the toilers of the worl
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International Labor Defense is
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Mr. MARCANTONIO. No, fo
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Thomas?

Mr. WHITLEY. Let me rea

A call to the toilers of the worl
Scottsboro boys has just been iss
the International Labor Defense

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Mr. MARCANTONIO. Well,
knows that the statement o
person.

Mr. WHITLEY. I wanted y

Mr. MARCANTONIO. But, a
of a third party and is not b

not familiar as an attorney with the case. On October 10 I appeared in court on his behalf, and on that day Judge Collins limited him to the State of New York. He said that he could not go beyond the jurisdiction of the court unless he wanted to forfeit the $50,000 bail.

There are various fundamental questions of constitutional law that I think this committee should be interested in, and that I want to test in the courts of New York. I was to appear in court on two motions this morning. I was to appear on a motion this morning in the Supreme Court, but I thought that it was my duty to come here before the committee. We have a lot of work to do. The district attorney of New York County has a large staff of stenographers and assistants who have been devoting practically all their time exclusively to the preparation of this case. Since this committee is a committee on un-American activities, which, according to the booklet, or your documents, I understand is seeking to protect American traditions and the American Constitution, I ask this committee—and some of you are lawyers—to appreciate the importance of our situation. We have to go to trial on an indictment containing 12 counts, all of them serious. The district attorney has seized all of the documents which would help us in our preparation of the case. They have taken everything, including all of his books, and we must do what we can in this short time.

The New York constitution contains a provision which holds the home sacred, the person sacred, and property sacred at all times; yet they seized all of these documents from Mr. Kuhn's office. There is a new constitutional provision that was enacted in New York, at the last election, and I want to test that provision.

Mr. THOMAS. I do not think that this has anything to do with our proceeding here this morning.

Mr. SABBATINO. Every hour that is being spent down here, is an hour in which we are prevented from preparing this man's case for trial, and I hope that this committee, many of you being lawyers, will appreciate that.

The CHAIRMAN. Well, you have made your point.

Mr. SABBATINO. I ask that Mr. Kuhn be excused until November, when the trial is over.

The CHAIRMAN. The answer to that is that this committee will probably not be in session after the trial of the case, or we will probably not be in session here. We have many witnesses on the west coast that we want to hear, and we feel that it is necessary to hear Mr. Kuhn now. With reference to preparation for the trial, we will be through here very shortly, and I do not think you will be prejudiced in that respect. You are already here, and in a short time we will be through, and you can go back. With reference to the trial in New York, I understand that the matters he will be questioned about here do not involve any criminal charges pending against him in New York; so he will not be prejudiced on that account.

Mr. SABBATINO. It is not that matter that we are worried about. I have to prepare two motions today, and an hour here is an hour that we could use fruitfully in New York in the preparation of our case.

The CHAIRMAN. The committee has considered the request, and we will proceed.

Mr. KUHN. I can answer your question.

Mr. STARNES. All right.

Mr. KUHN. Do you have to be a Catholic to go into the Knights of Columbus?

Mr. STARNES. I do not know. I am neither a Knights of Columbus nor a Catholic.

Mr. KUHN. All right, that answers the question.

Mr. STARNES. Now, then, I want to know if this witness, who says that he is the head of a political organization in this country, can say whether it is true that his organization excludes from membership Negroes and Jews?

Mr. KUHN. We never exclude them——

Mr. STARNES. Do you exclude them?

Mr. KUHN. We do not take them in.

Mr. STARNES. You refuse to take them in?

Mr. KUHN. Right.

Mr. STARNES. Therefore, if the political philosophy of the bund became the dominant philosophy of the United States of America, Jews and Negroes would not have any right of representation in this country?

Mr. KEEGAN. I object to that question. I believe in a decision of the Supreme Court of the United States with respect to a colored citizen of the Southern States who tried to become a member of the Democratic Party, where he was excluded, and appealed his case, the Supreme Court upheld the exclusion. The Democrats have already done that.

Mr. STARNES. May I say that one of the members of that race is a Democratic Member of the House.

Mr. KEEGAN. I was just referring to the fact that that principle has already been upheld by the Supreme Court.

Mr. STARNES. I am merely trying to establish what the purpose of this organization is; I am trying to ascertain the true purpose of this organization, and I am trying to ascertain, through the leader of the organization, whether he says they have a right to become a political element in this country, organize a political party to exclude others.

The CHAIRMAN. All right; let us proceed.

Mr. STARNES. That is all for the time being.

The CHAIRMAN. Mr. Voorhis, you had some questions.

Mr. VOORHIS. This paper which counsel objected to *contains notices* to which I would like to call attention: It has two notices signed by Fritz Kuhn in it, and it was photostated by the Library of Congress, and that is the paper in which reference is made to taking over the leadership of the Germans in America appears.

Now I would like to ask you this question, Mr. Kuhn. Suppose the bund succeeded in organizing an effective political party, such as you had in mind here, what would be your answer to this question: would you, in connection with its work, use the same tactics that were used in other nations——

Mr. KUHN (*interposing*). Mr. Chairman, I think——

Mr. VOORHIS (*continuing*). By other German organizations?

Mr. KUHN. That *question* is very unfair.

Mr. VOORHIS. Well, you can answer it "Yes" or "No."

INVESTIGATION OF UN-AMERICAN PROPAGANDA ACTIVITIES IN THE UNITED STATES

HEARINGS

BEFORE A

SPECIAL

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

SEVENTY-SIXTH CONGRESS

THIRD SESSION

ON

H. Res. 282

TO INVESTIGATE (1) THE EXTENT, CHARACTER, AND OBJECTS OF UN-AMERICAN PROPAGANDA ACTIVITIES IN THE UNITED STATES, (2) THE DIFFUSION WITHIN THE UNITED STATES OF SUBVERSIVE AND UN-AMERICAN PROPAGANDA THAT IS INSTIGATED FROM FOREIGN COUNTRIES OR OF A DOMESTIC ORIGIN AND ATTACKS THE PRINCIPLE OF THE FORM OF GOVERNMENT AS GUARANTEED BY OUR CONSTITUTION, AND (3) ALL OTHER QUESTIONS IN RELATION THERETO THAT WOULD AID CONGRESS IN ANY NECESSARY REMEDIAL LEGISLATION

VOLUME 13

APRIL 11, 12, 19, 23, 24, 25, MAY 6, 8, 9, 21, 1940

AT WASHINGTON, D. C.

Printed for the use of the Special Committee on Un-American Activities

UNITED STATES
GOVERNMENT PRINTING OFFICE
94631 WASHINGTON : 1940

Mr. JOHNSON. For the reasons previously stated, I did not.

The CHAIRMAN. That is all I am asking you. That is all.

Mr. COHN. Mr. Chairman, may I call your attention to the following statement of Mr. Felix Frankfurter, now Justice Frankfurter, which appeared in the New Republic?

The CHAIRMAN. We are not interested in Judge Frankfurter's statements in the New Republic. Is that since he has been on the Supreme Court bench?

Mr. COHN. No. That is prior to the time.

The CHAIRMAN. And is that a judgment of the judge?

Mr. COHN. It is his opinion.

The CHAIRMAN. No.

Mr. COHN. May I say with respect to the right of counsel to examine a witness, that Mr. Frankfurter said, as follows—I would like to read this.

The CHAIRMAN. Well, the committee will not permit that because the committee is not interested in Judge Frankfurter's opinions unless they are opinions as a Justice on the Supreme Court.

Mr. COHN. I am asking for the right to question the witness.

The CHAIRMAN. Well, that right is being denied you.

Mr. COHN. May I argue the point?

Mr. THOMAS. No.

The CHAIRMAN. No.

Mr. COHN. May I state to you the reasons why I believe——

The CHAIRMAN. Have you any decisions of the court saying that counsel has a right to ask questions?

Mr. COHN. No; but I wish to read——

The CHAIRMAN. Then if you haven't a decision that concludes the matter.

Mr. COHN. May I read to you the political science textbook?

The CHAIRMAN. No; we are not interested in the political science textbook. Who is the next witness?

Mr. COHN. I respectfully—I object and I wish to enter an exception on the record.

The CHAIRMAN. All right; the next witness is Mr. McKenna.

Mr. McKenna, will you raise your right hand and be sworn?

Mr. THOMAS M. MCKENNA. Yes, sir.

The CHAIRMAN. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. THOMAS M. MCKENNA. I do.

TESTIMONY OF THOMAS M. McKENNA, WARD COMMITTEEMAN OF FIFTH WARD ORGANIZATION OF THE COMMUNIST PARTY, CHICAGO, ILL.

Mr. MATTHEWS. Please give your full name to the committee?

Mr. MCKENNA. My name is Thomas Morrison McKenna.

Mr. MATTHEWS. Where were you born?

Mr. MCKENNA. In Pittsburgh, Pa.

Mr. MATTHEWS. When?

Mr. MCKENNA. January 27, 1907.

Mr. MATTHEWS. How long have you been a member of the Communist Party?

Mr. MCKENNA. For approximately 4 or 5 years.

Mr. CLAYDE LIGHTFOOT. No.

The CHAIRMAN. Then suppose you go out there and discuss it, but we want to get through so we can let you go home.

Mr. COHN. Mr. Chairman, I had stepped away for a half a moment. I note that you have terminated the examination of Mr. McKenna. Now, I want to ask Mr. McKenna some questions.

The CHAIRMAN. And we will give you the same ruling.

Mr. COHN. I would like to read into the record a new text that I think has not yet come to your attention, called The Developments of Congressional Investigative Power, by Professor McGerry, of——

The CHAIRMAN. The Chair declines you that right. You have your exception in the record.

Mr. COHN. I would also like to read to you a statement made by Felix Frankfurter prior to the time that he became Justice of the United States Supreme Court.

The CHAIRMAN. You have stated that and the ruling is the same as before.

Mr. COHN. Note an exception.

The CHAIRMAN. All right.

Mr. COHN. My theory is that I have a right to cross-examine for the purpose of completing the record after there is a direct examination which may not have given the witness a full opportunity to bring out what he desires to relate to the committee.

The CHAIRMAN. All right, you have made your statement and now will you confer with your client?

Mr. COHN. I would like to have an opportunity, an hour to confer with Mr. Lightfoot.

The CHAIRMAN. The witnesses who have been subpenaed and who are present, Tony DeMaio, Milton Wolff, Fred Keller, and Gerald Cook. They are witnesses who have been subpenaed and they will remain here subject to the call of the committee. You will let the clerk of the committee know where you are located and he will advise you when we will hear you. We will hear you as soon as possible.

Mr. SCHWAB. Mr. Chairman, I am attorney for the witnesses you have just named. My name is Irving Schwab, 551 Fifth Avenue, New York.

Now, I would like to ask this body to consider my convenience and see if we can set the hearing for some definite time.

I left a case to come down here. I have another matter with the Federal court tomorrow morning. My clients want me present and I feel sure——

The CHAIRMAN. How many clients do you represent?

Mr. SCHWAB. I represent the four you have just named. Now, if you expect to call them tomorrow I will appreciate it if you will let me know or give me an idea when they will be called.

The CHAIRMAN. You say you have a case pending in the Federal court tomorrow?

Mr. SCHWAB. Yes. Now, I could postpone it. It is a writ of habeas corpus, but I prefer not to.

The CHAIRMAN. Suppose we set the hearing at 10 o'clock tomorrow morning. Would that be convenient to you? Can you arrange to postpone your case in New York so as to be here?

Mr. SCHWAB. Well, will we finish by tomorrow?

b7C [redacted]

December 15, 1937

MEMORANDUM FOR MR. TAMM

b7C

Re: [redacted] with
alias - FUGITIVE;
PAROLE VIOLATOR.

During the course of an investigation conducted by the New York office for the purpose of bringing about the apprehension of [redacted] for violation of parole, Special Agent [redacted] contacted Probation Officer [redacted] who advised that there is presently pending before the United States Supreme Court the case entitled "UNITED STATES versus FRADD" which involves many legal questions relating to parolees who fail to contact their parole officers.

Probation Officer [redacted] advised that a decision in this case is expected within the immediate future.

This matter is brought to your attention, inasmuch as it is felt that the decision rendered in this case might possibly be of interest to the Bureau.

Respectfully,

[redacted]

b7C

RECORDED
&
INDEXED.

62-14074-62

FILE

[redacted]

b7C

ORIGINAL FILED IN

b7C [redacted]

January 4, 1938.

RECORDED 62-18074-62

Special Agent in Charge,
New York, New York.

RE: [redacted] with aliases, FUGITIVE - PAROLE VIOLATOR.
b7C

Dear Sir:

Reference is made to the report of Special Agent [redacted] dated at New York City, December 1, 1937, which reflects that Probation Office[redacted] advised there is now pending before the U. S. Supreme Court the case entitled United States versus Fredd, in which legal questions involving parolees are involved.

The Bureau desires that you ascertain the district in which this case arose, and that you thereafter cause an examination to be made of the docket for the purpose of ascertaining the particulars of the case. b7C

It is also desired that you ascertain the approximate date upon which a decision will be rendered in this case by the Supreme Court, in order that the Bureau might be promptly advised.

Very truly yours,

John Edgar Hoover,
Director.

ORIGINAL FILED IN [redacted]

607 U. S. Court House
Foley Square
New York, N. Y.

[redacted] b7C

January 28, 1938

Director,
Federal Bureau of Investigation,
Washington, D. C.

Re: [redacted] with
aliases - FUGITIVE.
PAROLE VIOLATOR. b7C

Dear Sir:

Reference is made to Bureau letter dated January 4, 1938 in the above entitled case, Bureau fil[redacted], wherein it was requested that this office ascertain the particulars of the case entitled United States versus Fradd, in which legal questions involving paroless are involved, and which case was mentioned in the report of Special Agent [redacted] dated at New York City December 1, 1937 in the above captioned case.

In accordance with the above instructions, the facts of the case entitled United States of America against William D. Frad, probationer, which was handled by Assistant United States Attorney Curtis C. Shears, Southern District of New York, recently, are related briefly as follows:

On March 26, 1934, William D. Frad withdrew his plea of not guilty and pleaded guilty before Honorable Robert A. Inch, Federal Judge sitting in the Southern District of New York, to three indictments charging a series of crimes involving the concealment of his identity over a period of years for the purpose of carrying on his activities as a card sharp on the high seas. b7C

On indictment C96-116 charging a conspiracy to use passports secured by reason of false statements to make numerous trips on trans-Atlantic vessels with divers other persons to obtain money and property from divers passengers by means of false and fraudulent pretenses and representations and other unlawful and dishonest means, he was sentenced to serve two years in the penitentiary and fined $1,000.

62-18074-64

RECORDED & INDEXED

ORIGINAL FILED IN

b7C

[redacted]

January 28, 1938

On indictment C96-120 charging the probationer with impersonating another, to wit, Daniel Edward Swift, when entering the United States, imposition of sentence was suspended and he was placed on probation for four years, to begin after serving sentence on indictment number C96-116, subject to the standing probation order of the Court.

On indictment C80-944, charging him with concealing his true identity and falsely representing himself to be Fred Warren Gorham for the purpose of obtaining and using a passport in the United States, imposition of sentence was suspended with probation of four years to begin after serving sentence on indictment number C96-116, subject to the standing probation order of the Court.

On November 2, 1935, the probationer was released from the United States Penitentiary and reported on November 12, 1935 to the United States Probation Officer for the Southern District of New York. On November 15, 1935, the probationer signed the terms of his probation and advised the probation officer that his counsel was making an application to have him discharged from probation supervision before the sentencing judge.

On December 14, 1935, moving papers were received by the Probation Officer based on the physical condition of the probationer. The Probation Officer wired the penitentiary to obtain the condition of the probationer's health during his incarceration. Before receipt of this information, an order revoking the probation and discharging the probationer from further supervision and terminating the proceedings against him was signed on December 16, 1935 in the Eastern District of New York. At that time Judge Inch stated that he was convinced that the probationer had learned his lesson and would not do any more gambling on the high seas.

Less than a year after the entry of this order, the probationer was apprehended for larceny on the high seas and charged with violation of the terms of his probation. The United States then moved in the Southern District of New York to sentence Fred on the two indictments under which the imposition of sentence originally had been suspended.

Fred petitioned for a writ of habeas corpus. The petition for the writ and the motion to sentence were heard together on December 21, 1936. On January 27, 1937, two orders were filed

b7c

[redacted]

January 28, 1938

granting the writ of habeas corpus and dismissing the probationer from custody of the Marshal and denying the motion to sentence Fradd under indictments numbers C96-120 and C80-944.

The Government appealed and the Circuit Court of Appeals reversed both orders and remanded the case for consideration of the revocation of probation and for sentence if warranted.

Certiorari was granted and on December 6, 1937 the United States Supreme Court affirmed in a seven-page opinion, stating, "We granted the writ of certiorari because of the importance of the questions presented in the administration of the Probation Act. We hold the judgment of the court below was right." It also further held that the order made in the Eastern District of New York revoking probation was a nullity as the jurisdiction to revoke probation rests solely in the Court which imposed probation and not in the sentencing judge, and that neither the probation officer nor the United States Attorney can waive the jurisdictional requirements of the Probation Act nor can they by their conduct confer jurisdiction on a judge of another district to act for the trial court.

This is the question relating to probation violation that was mentioned in Agent [redacted] report above referred to.

For further details concerning the case of William D. Fradd, attention is invited to the case entitled William D. Fradd, with aliases, et al., Larceny on the High Seas, New York file 45-252, Bureau file 45-975. It will be noted in the report of Special Agent [redacted] dated New York City 1/25/38 in this case that Fradd was sentenced to serve 18 months in a Federal penitentiary on 1/18/38 for violation of probation.

Very truly yours,

R. E. Vetterli,
Special Agent in Charge.

cc NY file 45-252

cc NY file 75-00

February 23, 1938.

b7C [redacted]

MEMORANDUM FOR MR. TAMM

b7C RE: [redacted] with aliases -
FUGITIVE; PAROLE VIOLATOR.

b7C

Investigation in the above-captioned matter was initiated by the New York Field Office at the request of Assistant U. S. Attorney Curtis C. Spears of the Southern District of New York. The facts developed disclosed that on October 24, 1936 [redacted] sailed from the Port of New York aboard the SS Santa Rosa. Richter's destination was San Francisco, California. While aboard that vessel he became acquainted with WILLIAM D. FRAD, who represented himself to be an independent oil producer; [redacted] who represented himself to be a dealer in precious stones; and [redacted]

b7C

Subsequent to sailing from New York, [redacted] engaged in a game known as "Palm Beach" with the three above-named individuals, as a result of which he lost the sum of $36,620 to William D. Frad. At the time of that loss, [redacted] gave Frad a check on the Continental Illinois National Bank of Chicago. That check was paid after having been once protested.

b7C

At the time of the commission of this offense, Frad was on probation in the Southern District of New York.

RECORDED 62-18074-64

On March 26, 1934 William D. Frad entered a plea of guilty before Federal District Judge Robert A. Inch, sitting in the Southern District of New York, to three indictments charging a series of crimes involving the [illegible] of his identity over a period of years for the purpose of carrying on his activities as a card shark on the high seas.

FEDERAL BUREAU OF INVESTIGATION
MAR 26 1938 M
U. S. DEPARTMENT OF JUSTICE

SAME ONE

With reference to Indictment No. C96-116, Frad was sentenced to serve 2 years in a Federal penal institution and fined $1,000. With reference to Indictment No. C96-120, the imposition of sentence was suspended and he was placed on probation for 4 years, said probation to begin upon completion of the sentence imposed under Indictment No. C96-116. No action was taken with reference to Indictment No. C80-944.

ORIGINAL FILED IN

Frad was released from the Federal penitentiary to which he had been confined on November 2, 1935 and he reported to the U. S. Probation Officer for the Southern District of New York on November 12, 1935. On November 15, 1935 he signed the terms of his probation and advised the Probation Officer that his counsel was making an application to have him discharged from probation supervision before the sentencing Judge. It will be noted that Judge Robert A. Inch is the Federal District Judge in the Eastern District of New York.

On December 16, 1935 Judge Robert A. Inch, sitting in the Eastern District of New York, heard the probationer's application to be released from probation supervision and entered an order revoking the probation and discharging Frad from further supervision. Subsequently, and less than a year after the entry of that order, Frad was apprehended in connection with instant violation.

The U. S. Attorney for the Southern District of New York then moved in the U. S. District Court for the Southern District of New York to sentence Frad on Indictments Nos. C96-120 and C80-944, under which the imposition of sentence had originally been suspended. Frad petitioned for a writ of habeas corpus and the petition for the writ and the motion to sentence were heard together on December 21, 1936. Thereafter, two orders were filed in that Court; one granting the writ of habeas corpus and dismissing the petitioner from the custody of the Marshal and the other denying the motion to sentence Frad under the above-mentioned indictments.

The Government took an appeal from the ruling of the Court and the Circuit Court of Appeals reversed both orders and remanded the case for consideration of the revocation of probation. Frad made application to the U. S. Supreme Court for a writ of certiorari, which was granted and on December 7, 1937 the U. S. Supreme Court affirmed the ruling of the Circuit Court of Appeals.

The Supreme Court held that the trial Court had the power to suspend the imposition of sentence relative to Indictment No. C96-120 and place the defendant on probation effective upon completion of the service of sentence imposed in connection with Indictment No. C96-116. The Court further held that the defendant was under the supervision of the U. S. District Court of the Southern

C

District of New York, rather than under the supervision of Judge Inch of the Eastern District of New York, who imposed the sentence while sitting in the Southern District of New York.

Although unnecessary to the final decision of the questions presented, the Court stated that the Probation Act of March 4, 1925, (Section 725, Title 18), empowered the U. S. Courts having original jurisdiction of criminal actions to suspend the imposition or execution of sentence and to place the defendant upon probation for such a period and upon such terms as conditions may deem best and to satisfy the ends of justice.

A copy of that opinion is attached hereto.

Respectfully,

[redacted]

b7c

62-45-975-37

C

Mr. Tolson
Mr. Nathan
Mr. Clegg
Mr. Glavin
Mr. Lester
Mr. McIntire
Mr. Nichols
Mr. Tracy
Miss Gandy

Washington, D. C.,
July 17, 1938.

Director,
Federal Bureau of Investigation,
Washington, D. C.

Dear Sir:

I would like to call your attention to the decision of the Supreme Court of the United States, rendered on May 16, 1938, in the case entitled "Zerbst v. Kidwell et al" (58 Sup. Ct. Rep. 872), feeling that the decision should considered for inclusion, in briefed form, in the section of the Manual of Instructions devoted to Criminal Procedure.

Apparently the decision is to the effect that a prisoner who while on parole during the period of a sentence for one Federal crime commits a second Federal crime for which he is convicted and sentenced and serves a sentence therefor may be retained in custody on parole board warrants and compelled to serve the remaining time of the sentence imposed for the first Federal crime. It would seem that the original sentence does not run concurrently with the period served for the second sentence and, therefore, that the prisoner must complete the term of his first sentence after the second sentence has been served.

I trust you will find the case-report interesting and of value to the Bureau.

Very truly yours,

[redacted]

Special Agent,
Federal Bureau of
Investigation,
2266 US Dept. Justice,
Washington, D.C.

[redacted]
8/4/38

RECORDED
&
INDEXED

62-80711-74

FEDERAL BUREAU OF INVESTIGATION
JUL 18 1938
WASH. D. C.

DIRECTOR
TOLSON
TAMM
RES. DIV.

b7c

[redacted]

August 4, 1938

62-18074-74

RECORDED

[redacted]

b7c

Federal Bureau of Investigation
United States Department of Justice
2266 United States Department of
Justice Building
Washington, D. C.

Dear [redacted]

I wish to thank you for your thoughtfulness in calling to my attention the decision of the Supreme Court of the United States in the case entitled "Zerbst versus Kidwell et al" (58 Sup. Ct. Rep. 872).

I was indeed very much interested in this decision and you may be sure that your suggestion to place a brief of this decision in our Manual of Instructions is sincerely appreciated and is being given due consideration at the present time.

With best wishes and kind regards,

Sincerely yours,

CC - Washington Field

Mr. Nathan
Mr. Tolson
Mr. Baughman

COMMUNICATIONS SECTION

B-Mail
T

September 6, 1938.

MEMORANDUM FOR THE DIRECTOR:

62-25815

With regard to the powers and duties of the District of Columbia Commissioners concerning trial boards, Sections 472 and 473 of Title 20, District of Columbia Code, are the basic Acts of Congress. For your information these two Sections provide:

"472. Same; rules and regulations; fine, suspension, or dismissal of police; charges to be heard by trial board. Said commissioners, in addition to the powers vested in them by law, are also hereby authorized and empowered to make, modify, and enforce, under such penalties as they may deem necessary, all needful rules and regulations for the proper government, conduct, discipline and good name of said Metropolitan police force; and said commissioners are hereby authorized and empowered to fine, suspend with or without pay, or dismiss any officer or member of said police force for any offense against the laws of the United States or the laws and ordinances or regulations of the District of Columbia, whether before or after conviction thereof in any court or courts, and for misconduct in office, or for any breaches or violation of the rules and regulations made by said commissioners for the government, conduct, discipline, and good name of said police forces; PROVIDED, That no person shall be removed from said police force except upon written charges preferred against him in the name of the major and superintendent of said police force to the trial board of boards hereinafter provided for and after an opportunity shall have been afforded him of being heard in his defense; but no person so removed shall be reappointed to any office in said police force: PROVIDED FURTHER, that special policemen and additional privates may be removed from office by said commissioners, or a majority of them, without cause and without trial: PROVIDED FURTHER, That charges preferred against any member of said police force to the trial board or boards hereinafter provided for may be altered or amended, in the discretion of such trial board or boards, at any time before final action by such board or boards, under such regulations as the commissioners may adopt, provided the accused have an opportunity to be heard thereon. (Feb. 28, 1901, 31 Stat. 819, c. 623, sec. 11; June 7, 1906, 34 Stat. 221, c. 3066, par. 4.)

RECORDED
&
INDEXED

62-25815-163

DEPARTMENT OF JUSTICE
OCT 28 1938 P.M.
FBI

NATIONAL ARCHIVES

"473. Same; trial board; appointment; rules and regulations; appeals; existing rules and regulations ratified. -The said commissioners are also hereby authorized and empowered to create one or more trial board or boards, to be composed of such number of persons as said commissioners may appoint thereto, for the trial of officers and members of said police forces, and said commissioners are hereby also authorized and empowered to make and amend rules of procedure before such trial board or boards and to change or abolish any such trial board or boards as they may deem proper; and the findings of such trial board or boards shall be final and conclusive unless appeal in writing therefrom is made within five days to the Commissioners of the District of Columbia, the hearings on appeal to be submitted either orally or in writing, and the decision of the said commissioners thereon shall be final and conclusive: PROVIDED, That said commissioners shall not be required, in their review of the sentences and findings of such trial board or boards, to take evidence, otherwise, written, or documentary, and they shall have power to reduce or modify the findings and penalty of the trial board or boards or remand any case against any officer or member of said police force to such board or boards for such further proceedings as they may deem necessary: PROVIDED, That the chairman for the time being of any and every trial board be, and he is hereby, authorized to administer oaths to and take affirmations of witnesses before such board or boards: AND PROVIDED, That the rules and regulations of said Metropolitan police force promulgated and in force on June 8, 1906, are hereby ratified and shall remain in force until changed, altered, amended, or abolished by said commissioners. (Feb. 28, 1901, 31 Stat. 819, c. 623, sec. 1; June 8, 1906, 34 Stat. 222, c. 3056, par. 5.)"

From this basic law, you will note that the District of Columbia Commissioners are empowered by Congress to name any person or persons whom they desire to sit at the trial board or boards. In other words, they may appoint as many members as they desire and may select as many persons on each of these boards as they desire. Furthermore, the length of time that such person or persons shall sit as a member of the trial board rests wholely within the discretion of the District of Columbia Commissioners.

It is also noted that the District of Columbia Commissioners are empowered to make, modify and enforce under such penalties as they may deem necessary all needful rules and regulations for the proper government, conduct, discipline and good name of the Police Department. They are authorized by law to make and amend the rules of procedure before trial boards named by them.

The last set of rules and regulations laid down by the District of Columbia Commissioners to govern the trial boards specifically provides:

"Section 23 - Any member of the Metropolitan police force may be removed therefrom for any of the following causes: * * * (f) Neglect, delay or other culpable consideration contrary to the rules and regulations of the Department or the laws in force in the District of Columbia."

With further reference to the powers of the trial board in subpoenaing witnesses, Sections 601, 602 and 603 of Title 20, District of Columbia Code, specifically grant the trial board the power to issue subpoenas, attested in the name of the President of the Board of Commissioners of the District of Columbia, to compel the attendance of witnesses; These Sections further make false swearing on the part of such witnesses before the trial board, perjury, punishable in the manner prescribed by law for such offense. These Sections further provide that witnesses who refuse to appear before the trial board in obedience to subpoenas issued by it may be cited for contempt by any one of the Justices of the police court. These Sections further provide that witnesses subpoenaed to appear before the trial board, other than those employed by the District of Columbia, shall be entitled to the same fees as are paid witnesses for attendance before the Supreme Court of the District of Columbia.

We cannot give you accurate information as to whether the Commissioners may themselves sit as a trial board because so far as we can learn, this has never been determined. The basic law (Section 473, Title 20, District of Columbia Code) provides that the Commissioners shall appoint such trial boards and that the finding of trial boards shall be final and conclusive unless an appeal in writing is made within five days to the Commissioners; that the finding of the Commissioners thereon shall be final and conclusive; that said Commissioners shall not be required to take evidence either oral or written, or documentary; and that the Commissioners shall have power to reduce or modify the findings and penalty of the trial board or to remand any case to such board for further proceedings.

It is noted that the provision of the basic law which appears to grant to Commissioners not being required to take evidence either oral or written, is permissive and not mandatory. In other words, it appears quite obvious that there is nothing to permit them from taking such oral or written evidence if they so desire.

The United States Attorney, Mr. Leo Rover, and Messrs. Hughes, Appel and Keith are of the opinion that under the basic law, the District of Columbia Commissioners are absolutely responsible for the proper conduct of the Police Department and are duty bound to take appropriate action in investigating and disciplining members of the police force for irregularities of any kind. While the basic law makes possible the delegation by the Commissioners to the trial board of the details of such work, yet, the final action rests with the Commissioners, and it does not appear under the law that they can evade this responsibility and duty. In other words, it seems clear under the basic law that the system of trial boards authorized by Statute is only to assist the District of Columbia Commissioners in accomplishing the duty for which they are primarily responsible. They have the power to name any person to sit as a member of such trial boards and we see no reason why they should not themselves so sit if they desire.

It is interesting to note that in the Parlia[illegible] case, the District of Columbia Commissioners did appoint as one member of the trial board the Assistant Engineer Commissioner, Major Donald A. Davidson. If an Assistant Commissioner may sit as a member of a trial board, we see no reason why a Commissioner himself should not so function if he desires.

Respectfully,

J. M. Keith.

W. M. Hughes.

C. A. Appel.

U. S. Department of Justice

Bureau of Investigation

Room 1403
370 Lexington Avenue
New York, N. Y.

JMM-M

August 25, 1933.

Director,
Division of Investigation,
U. S. Department of Justice,
Washington, D. C.

Dear Sir:-

There is being forwarded herewith, for transmittal to the Department, a copy of a letter received from [redacted], of [redacted], Bridgeport, Connecticut, under date of August 22, 1933, inquiring as to why the major oil companies are allowed to refine wholesale and retail gasoline, while the packers were denied by the Supreme Court the privilege of retailing foods and meat.

Very truly yours,

T. F. CULLEN,
Special Agent in Charge.

1 Enclosure

RECORDED
62-29373-1
SEP 6 1933
AUG

COPY

Bridgeport, Conn.
Aug. 22, 1938.

Department of Justice,
15 Park Row,
New York City.

Gentlemen:

Will you please tell me why the major oil companies are allowed to refine wholesale and retail gasoline while the packers were denied by the Supreme Court the privilege of retailing foods and meat. I hold no brief for the packers. I think the court's decision was just, but have long contended the oil interests were a monopoly and should be ousted from the retail field.

Awaiting your reply, beg to remain

(Signed) [redacted]
Bridgeport, Conn.

62-29373-1

RECORDED
&
INDEXED

SEP 6 1933

JBL:LL
62-29373-1

September 5, 1933.

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL [redacted]

There are transmitted herewith copies of a letter received by the New York City Office of the Division, from [redacted] Bridgeport, Connecticut, dated August 22, 1933, making inquiry as to why major oil companies are allowed to refine wholesale and retail gasoline, while packers were denied by the Supreme Court the privilege of retailing foods and meat.

b7C

This is being referred to you for such attention as you may deem appropriate.

Very truly yours,

Director.

Inclosure No. 661300.

DE-INDEXED
DATE 3-1-57
13

Mr. Clegg
Mr. Coffey
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Hendon
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

[redacted]

b7C

DALL

62-31891

Supreme Court Rulings Waited Today on 2 Vital Labor Issues

By the United Press

The Supreme Court is in a position to rule today on two issues of vital importance to labor, one of them whether soft coal miners must be paid for underground travel time.

The court was brought indirectly into the soft coal wage contract dispute Saturday when the War Labor Board, which is considering the pact, deferred action in hope of a ruling on the portal-to-portal question.

With 40 cases before it for final decision, the tribunal will hand down a number of formal opinions today, but there was no way of telling whether the coal miners' controversy would be among them.

States' Rights Issue

The soft coal case must share the court's attention with a second major question regarding labor. This involves the authority of States to police labor unions and is before the tribunal in three suits testing Alabama and Florida laws.

The WLB is withholding a decision on the coal contract, signed April 11 by the mine owners and UMW chieftain John L. Lewis, to see whether the court upholds a Fourth Circuit Court of Appeals ruling that travel time is work time.

If the court does not rule today it is believed the WLB will be unable to wait longer because the miners are working under an extension of their old contract, which runs out April 30. The court last year held that the wage-hour law requires iron-ore miners to receive travel-time pay.

Alabama, Florida Cases Up

The Alabama statute, known as the Bradford Act, is being challenged by both CIO and AFL union groups. They protest provisions requiring union membership by supervisory or administration employes and forbidding union collections of money for "work permits."

A plumbers' union (AFL) of Jacksonville, Fla., has brought the Florida law under fire. It is fighting an injunction forbidding it from functioning until it complies with the State's regulations requiring unions and their agents to register and be licensed in Florida.

The international unions charged that both State laws are unconstitutional and violate their rights of free speech and assembly.

The Supreme Court earlier this term invalidated a Texas statute requiring labor organizations to register with the State before soliciting at union gatherings.

INDEXED 208

62-31891-1

8 MAY 7 1945

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1945

WASHINGTON POST
Date 4-23-45

FAIR ENOUGH

By WESTBROOK PEGLER

New York, Aug. 16.—

FELIX FRANKFURTER, in the famous ablative case, wrote that it is pernicious oversimplification to hold that the meaning of a law is plain because its language is plain. To be sure, Old Weenie has never been successfully charged with using plain language and even in this dictum he balled up his wordage in the true manner of Earl Browder but, if you use a kind of mental Braille, you fetch up at the idea that he wouldn't take any responsibility if he should sit down and write some dish a sheaf of mash-notes and that if he should tell her, "I am nuts about you," he could just as well mean "you make me sick," and probably would.

Westbrook Pegler

Well, me, I am otherwise, so when I say there is a leak in the Supreme Court of the United States I don't mean that there is no leak. I mean that there is and that this same leak, if it isn't plugged, might be used one of these days in some decision affecting the stock market to let some gang of racketeers, perhaps a bunch of Communists, pull off a killing on the strength of a tip from the inside. They might even engineer a panic.

THIS leak in the Supreme Court has been made evident on two occasions, the latest one being a flat, unqualified foretelling of a decision which went in favor of the Communist conspiracy against the United States Government, plus an accurate list of the justices who dissented, weeks in advance of the public announcement of the decision.

My language is plain and means exactly what it says when I say I neither believe nor insinuate that Old Weenie has been the source of this leakage.

However, I have reason to suspect from past performances that one of the brethren is responsible. Moreover, I can say that this has been called to the attention of Chief Justice Harlan F. Stone and of Representative Hatton Sumners, of Texas, the chairman of the Judiciary Committee of the House.

NOT being privy to the affairs of the Supreme Court, nor wanting to be, I won't even speculate as to whether Mr. Stone has brought it up in meeting and raised hell about it in the privacy of the lodge. Our people don't try to break into the privacy of the court, or the Cabinet or the State Department, either, for that matter, and decent editors would refuse to jump the gun on court decisions even if they did have pipe lines into the chambers.

We feel that such news can wait until it is announced in open court because this court has been debauched enough already by politics and ideology under the New Deal without our exploiting its degradation to complete the destruction of public confidence in its integrity, and inasmuch as fortune-telling is against the law and we won't believe it, anyway, we lay off guessing and speculation on the off-chance that it might come true.

Well, so what can be done about it?

IF THIS were any other Government agency, even the State Department, where secrets of atomic power are stored, the FBI might be called on to plant one agent as a sweeper, another as charwoman, another as messenger, and so forth, and maybe tap the phones of some of the justices and plant listening devices in their chambers and their homes.

The FBI was called in, you remember, to find out who was leaking confidential diplomatic information at the State Department and came up with a bunch of arrests, recently followed by a set of indictments.

But it does seem unthinkable to do this to the Supreme Court because it occupies a position of the highest public trust and if you go to spying on these men, how can you feel confident that the spies won't take advantage of their information? And the court, itself, could hardly call on the FBI for this service because all the members would have to know about it and you can't catch a leak if you warn him that you are watching him. Moreover, it just wouldn't be nice.

I DON'T see just what the judiciary committee could do, either, and Mr. Sumners has no suggestions. You could call every one of the justices and every secretary and other employe of the court and the guilty one would be sure to say he never dunnit and there you would be, right where you began.

And there is no profit in calling on anyone who deals in such information because you would only advertise him or her, and the traditional defense a person cannot be compelled to betray a confidence would be invoked even though the informant who gave the confidence broke confidence himself in doing so.

It might do some good to have a speech or two in the House and Senate about it and a public airing of a specific instance in which the mathematical probabilities against an accurate guess are so great as to discredit a guess as the explanation. Anyway, such stuff is not presented as guesswork.

Well, anyway, my language is plain and my meaning just as plain, when I say that the United States Supreme Court has sprung a leak.

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Coffey
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Handon
Mr. Penningt
Mr. Quinn T
Mr. Nease
Miss Gandy

Leaks in State Dept. — Alexis — 62-57921-A

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87 SEP 20 1945

7 SEP 24 1945

AUG 17 1945

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SUPREME COURT OF THE UNITED STATES.

No. 256.—October Term, 1936.

H. E. Woolsey, Appellant,
vs.
Roy Best, Warden, etc.

Appeal from the Supreme Court of Colorado.

[October 12, 1936.]

Per Curiam.

Appellant brought this proceeding in the Supreme Court of Colorado to obtain a writ of *habeas corpus*. His petition was denied without opinion. It appears that appellant was held pursuant to conviction for violation of Section 2676 C. L. 1921, being section 40, chapter 44, Session Laws 1913, of the laws of Colorado (see also section 2740 C. L. 1921, being section 85, chapter 44 of Session Laws of 1913), the judgment of conviction having been affirmed by the Supreme Court of the State. *Woolsey* v. *The People*, 98 Colo. 62.

It is well established that the writ of *habeas corpus* cannot be used as a writ of error. This is the rule in Colorado as well as in this Court. The judgment of conviction was not subject to collateral attack. *People ex rel. Burchinell* v. *District Court*, 22 Colo. 422; *Martin* v. *District Court*, 37 Colo. 110, 115; *Chemgas* v. *Tynan*, 51 Colo. 35; *In re Arakawa*, 78 Colo. 193, 196; *In re Nottingham*, 84 Colo. 123, 128. Compare *Harlan* v. *McGourin*, 218 U. S. 442; *Riddle* v. *Dyche*, 262 U. S. 333; *Craig* v. *Hecht*, 263 U. S. 250, 277; *Knewel* v. *Egan*, 268 U. S. 442, 445, 446; *Cox* v. *Colorado*, 282 U. S. 807. It is apparent from the record submitted that the state court had jurisdiction to try the appellant for violation of the statute in question and that any federal question properly raised as to the validity of the statute could have been heard and determined on appeal to this Court from the final judgment in that action. The Supreme Court of the State was not required by the Federal Constitution to entertain such questions on the subsequent petition for *habeas corpus*, and it does not appear that its denial of the petition did not rest upon an adequate non-federal ground. *Lynch* v. *New York*, 293 U. S. 52, and cases there cited. The appeal is dismissed for the want of jurisdiction.

Dismissed.

SUPREME COURT OF THE UNITED STATES.

No. 12.—October Term, 1936.

Pick Manufacturing Company, Petitioner, *vs.* General Motors Corporation, Chevrolet Motor Company, and Buick Motor Company.	On Writ of Certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

[October 26, 1936.]

Per Curiam.

By this suit petitioner challenged the validity under Section 3 of the Clayton Act (38 Stat. 730, 731, 15 U. S. C. 14) of a provision of the contracts made with dealers by selling organizations of the General Motors Corporation. The provision in the contract between the Chevrolet Motor Company and dealers is as follows:

"Dealer agrees that he will not sell, offer for sale, or use in the repair of Chevrolet motor vehicles and chassis second-hand or used parts or any part or parts not manufactured by or authorized by the Chevrolet Motor Company. It is agreed that Dealer is not granted any exclusive selling rights in genuine new Chevrolet parts or accessories."

There is a similar provision in contracts made by the Buick company.

The District Court dismissed the bill of complaint for want of equity and its decree was affirmed by the Circuit Court of Appeals. 80 F. (2d) 641. Upon the evidence adduced at the trial the District Court found that the effect of the clause had not been in any way substantially to lessen competition or to create a monopoly in any line of commerce. This finding was sustained by the Circuit Court of Appeals. *Id.*, p. 644.

Under the established rule, this Court accepts the findings in which two courts concur unless clear error is shown. *Stuart* v. *Hayden*, 169 U. S. 1, 14; *Texas & Pacific Railway Company* v. *Railroad Commission*, 232 U. S. 338; *Texas & N. O. R. Co.* v. *Rail-*

way Clerks, 281 U. S. 548, 558; *United States* v. *Commercial Credit Co.*, 286 U. S. 63, 67; *Continental Bank* v. *Chicago, Rock Island & Pacific Rwy. Co.*, 294 U. S. 648, 678. Applying this rule, the decree is affirmed.

Affirmed.

Mr Justice VAN DEVANTER, Mr. Justice STONE and Mr. Justice ROBERTS took no part in the consideration and decision of this cause.

A true copy.

Test:

Clerk, Supreme Court, U. S.

FILE

[redacted]

High Court Rules WLB Not Subject to Judicial Review

WASHINGTON, Nov. 13 (UP).—The Supreme Court today upheld a lower court decision that War Labor Board orders are not subject to judicial review.

The High Court in effect reaffirmed the latitude of war agency powers when it denied a petition of Montgomery Ward & Co., Chicago, for review of a suit in which the firm sought to enjoin the WLB from "exceeding its statutory jurisdiction" in orders covering labor disputes.

The company appealed from a decision of the U. S. Court of Appeals for the District of Columbia which held that WLB orders are not enforceable or reviewable by Federal Courts and at most are advisory to the President.

The firm contended that regardless of the reviewability question, Federal tribunals are empowered to restrain WLB from "acting outside its statutory jurisdiction or from failing to follow the procedure specified in the War Labor Disputes Act."

OTHER DECISIONS

In another decision, the court denied a second appeal by Mrs. Ann H. P. Kent, Washington, for a writ of mandamus asking that her son, Tyler Kent, former U. S. Embassy Attache in London, be returned to this country for trial. Kent is serving a seven-year sentence in a British penitentiary for allegedly disclosing British war secrets to the Axis.

The High Court agreed to review the rights of hotels to collect service charges on toll telephone calls made by guests from their rooms.

The court tentatively set Tuesday, Dec. 6, for oral argument of the government's anti-trust case against the Associated Press. Argument was to have been held today but was postponed when an AP attorney was called back to New York because of the illness of his daughter.

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NOT RECORDED

87 NOV 21 1944

This is a clipping from page 4 of the DAILY WORKER

Date 11-14-44

Clipped at the Seat of Government

U. S. Supreme Court Stalls Execution of Yamashita

The United States Supreme Court stunned the civilized world last night by granting Gen. Tomoyuki Yamashita, the convicted Japanese war criminal, more time in his attempted evasion of justice. Yamashita had been sentenced to hang by an American military court in Manila, capital of the Philippines, for a series of ruthless atrocities against hundreds of Filipinos as well as American airmen.

Lawyers for this murderer then asked for a writ of habeas corpus on Dec. 7 or a transfer of the case to the Supreme Court itself. The request was repeated yesterday, with a demand that Yamashita be returned to the status of a POW.

The Supreme Court granted a stay, pending a hearing—perhaps at the next regular session, Jan. 2—of the petition for a civil trial in the United States.

Whatever the court's legal technicalities, it's clear that this bending-over-backwards to a ruthless killer can only cause consternation—in the Philippines and among GI's and veterans of the Pacific theater.

Every two-bit Japanese war criminal will be encouraged to try the same evasion of justice. And the 21 Nazi defendants in Nuremberg will be laughing up their bloody sleeves.

What's the matter with the Supreme Court anyway—isn't a military trial good enough for Yamashita's kind?

[redacted]

b7C

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FBI RECORDED JAN 16 1946

This is a clipping from page 1 of the DAILY WORKER

Date 12-18-45

Clipped at the Seat of Government.

50 JAN 23 1946

YAMASHITA'S RECORD

It was a military trial at which Yamashita was convicted of responsibility for such acts as these:

- The deliberate slaying of civilians—men, women and children.
- The methodical wiping out of virtually the whole population of villages and towns.
- Massacre without trial of Filipinos suspected of guerilla activities.
- Torture and murder of captured American airmen.
- Mass rape.
- Murder of Red Cross workers and sacking of a Red Cross building.
- Mutilation of women; bayonetting of babies.

Lawyers Await High Court Tilt On Yamashita

By International News Service

The fate of Lieut. Gen. Tomoyuki Yamashita, the trapped "Tiger of Bataan," promised yesterday to provide lawyers a field day.

Justice Department attorneys and defense counsel prepared for a precedent-shattering argument before the United States Supreme Court.

This day in court, set for January 7, may determine whether Yamashita will expiate his crimes upon the gallows from which legal maneuvering his given him a brief respite.

Ruling on Saboteurs

The closest case in point upon which the high tribunal has ruled was that of eight saboteurs apprehended by the FBI in June, 1943, whose trial by a military commission appointed by the late President Roosevelt was upheld by the Supreme Court July 31, 1943.

At that time the court held that the saboteurs were not constitutionally entitled to a civil trial, although one of them was an American citizen.

Technically the Supreme Court has not accepted life or death jurisdiction over the convicted Japanese war criminal, former Japcommander in the Philippines. has merely, thus far, ordered attorneys for both sides to appea January 7, to argue whether or not the highest court in the land legally has this power in Yamashita's case.

Yamashita has appealed to the Supreme Court from a death sentence passed by a military commission in Manila December 7, 1945, four years to the day after the famous Japanese attack on Pearl Harbor.

Defense Contentions

Attorneys for the former Philippine commander have proposed to the Supreme Court several means for taking jurisdiction of his case. They have filed a request for a writ of habeas corpus, asking that the case be removed from the jurisdiction of the military commission on the ground that the Philippine courts are the proper authority to pass upon it since Yamashita has not been accused of violating the laws of warfare.

To this contention Solicitor General J. Howard McGrath has responded that Yamashita was tried in a combat zone by a military tribunal having complete jurisdiction.

[redacted] attorneys, as a further method of securing action from the Supreme Court, have filed a petition for a review of a Philippine Supreme Court decision denying him habeas corpus because of lack of jurisdiction.

The United States Supreme Court last week granted Yamashita a formal stay of execution pending outcome of the arguments on his right to a hearing before the highest tribunal.

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Jones
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss [redacted]

[redacted]

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August 29, 1960

b7c [redacted]
Alhambra, California

Director J. Edgar Hoover
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover:

The people of the United States have many things for which to be grateful. One is you and your organization, and the care and excellence with which you perform your investigations and reports. You have been as a guiding light through the years.

I made a copy of a letter I sent Vice President Nixon, which I shall include. We do care what happens to our country.

Sincerely,

b7c [redacted]

Member of John Birch Society

REC- 19 62-104401-37

1 ENCLOSURE

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ALL INFORMATION CONTAINED

CORRESPONDENCE